

**CITY OF NEWPORT BEACH  
POLICE DEPARTMENT**

**Date:** January 10, 2018  
**To:** Jon T. Lewis, Chief of Police  
**From:** Sergeant Dave Miner, Professional Standards Unit  
**Subject:** Administrative Review of Officer Involved Shooting, DR#17-02908  
**Involved Employees:** Officer Matthew Biagi #1453

The following report is a summary and critical analysis of an officer involved shooting that took place on April 15, 2017 in front of 239 61<sup>st</sup> Street in the City of Newport Beach. The shooting involved Officer M. Biagi and was reported under the DR#17-02908.<sup>1</sup> This report was compiled after reviewing reports, interviews, and audio/video generated by the Newport Beach Police Department (NBPd), the Orange County District Attorney's Office (OCDA) and the Orange County Sheriff-Coroner's Office (OCSD). Descriptions of the events and conclusions drawn relating to this event were made after considering the totality of the circumstances.

**SUMMARY OF EVENTS:**

The following summary was noted in the Orange County District Attorney's legal findings.<sup>2</sup>

David Airth was a 56-year-old male, who was diagnosed 35 years prior with bipolar disorder. Airth and his wife had been married for 36 years. Prior to March 2017, Airth had three manic episodes, the last of which occurred 12 years prior. Airth did not have any criminal history. Airth's wife and numerous long term neighbors said he had no history of violence. On or about March 1, 2017, Airth displayed signs of persistent manic behavior. Airth was seen several times by mental health professionals and treated with medication. Airth could not work or be left alone, and his symptoms escalated at night.

On April 15, 2017, Airth was home with his wife and grew increasingly restless and agitated in the evening. At approximately 8:00 p.m., the power in their neighborhood went out, increasing Airth's distress. At approximately 9:00 p.m., Airth's wife attempted to wash dishes in the kitchen. Airth entered the kitchen naked and told her to stop. Airth grabbed her arm, took a pan out of her

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<sup>1</sup> Refer to NBPd Incident Report and Supplemental Reports for further details.

<sup>2</sup> Refer to OCDA's Letter to COP for details.

hand, and used it to strike her on the head. Airth's wife immediately ran out of their house, screaming for help.

Neighbors heard the screams and saw Airth's wife outside, bleeding from her head. At approximately 9:11 p.m., neighbor John Doe 1 contacted Airth's wife, who told him Airth struck her in the head with a pan. John Doe 1 called 911 and reported the domestic violence incident, and informed dispatch that Airth was having a manic episode and was under a doctor's care. Officers were dispatched to the scene. Still naked, Airth came out of his house. John Doe 1 told Airth to go back inside. Airth complied, then came back outside, still nude and holding a pan. Airth threw the pan at his wife and John Doe.

Airth went into his house a second time and came back outside in his underwear, but he was now holding a large butcher knife. Multiple witnesses described Airth's body language and behavior as "aggressive." At 9:13 p.m., John Doe 1 was still on the phone with the 911 dispatcher and said, "He's (Airth) got a knife right now ... he's out here waving a knife. John Doe 1 saw Airth holding the knife with his hand up and the blade out. John Doe 1 went into his house, and another neighbor took Airth's wife to a nearby residence. Officers were enroute to the scene "Code 3," which designates an immediate emergency response with lights and sirens.

Officer Biagi arrived within one minute of being dispatched to the scene. The power was still out in the neighborhood, so he approached Airth's residence with a flashlight. John Doe 2 saw Officer Biagi moving fast and saw Airth holding the knife in "attack position." Officer Biagi had his weapon drawn and ordered Airth to drop the weapon at least five times, and to get on the ground at least twice. Airth immediately complied, dropped the knife, and laid down face first on the sidewalk. John Doe 2 said he and Officer Biagi were approximately 10 feet from Airth. Officer Biagi continued to tell Airth to stay on the ground and not move.

Officer Biagi notified dispatch that Airth had a knife, was complying, and had just dropped the knife. Officer Biagi requested units to respond Code 3. At 9:14 p.m., Officer Biagi updated dispatch, stating that Airth was on the sidewalk and complying. Officer Biagi also reported that the knife was 10 inches long and approximately three feet behind Airth.

Neighbors observed Airth lying on the ground, motionless, when he suddenly got up, holding the knife in his hand. Officer Biagi repeatedly ordered Airth to stay on the ground, but Airth did not comply. John Doe 2, who was next to Officer Biagi, said Airth raised the knife and lunged toward them from 5-10 feet away. John Doe 3, who watched the incident from across the street, said Airth jumped up, grabbed the knife and charged the officer, who repeatedly stated, "Don't do it. John Doe 3 described Airth as having a "psychotic look" on his face and said he challenged the officer.

The police radio channel recording captured Officer Biagi's statements to dispatch as the events occurred. After informing dispatch that Airth was complying, Officer Biagi then said, "He is getting the knife." Five seconds later, Officer Biagi announced, "Shots fired, shots fired." Officer Biagi



fired his gun at Airth four times and Airth fell to the ground. The dispatch log was updated at 9:15 p.m. to reflect that shots had been fired, less than 20 seconds after Officer Biagi reported that Airth was compliant.

NBPD officers immediately provided medical aid to Airth. The NBFD arrived and transported Airth to the hospital, where he was pronounced deceased.

The shooting incident was not captured on the patrol video recording. After the incident, Officer Biagi's patrol video recording system captured his statements to fellow officers at the scene. Officer Biagi said Airth grabbed the blade and described Airth's demeanor as communicating, "Are you ready to go down?" Officer Biagi stated that Airth almost threw the knife at him, and he believed Airth, "was about to throw it at me."

John Doe 2 expressed sympathy for Officer Biagi and said he could not have acted any other way, "because he (Airth) was going to kill somebody." John Doe 2 said he was afraid Airth would harm him, his family, and Airth's wife. John Doe 3 said Officer Biagi did the right thing, had no time to do anything else, was justified in shooting Airth, and, "had no other option than to fire his weapon." John Doe 3, a neighbor and longtime friend of Airth, said, "As hard as it was to watch a friend and neighbor of over 20 years get killed in front of my face, the police officer did the right thing. He had no time to do anything else. He was justified in shooting him."

#### **DECEDENT BACKGROUND:**

The following information was noted in the OCDA Investigative Summary.<sup>3</sup>

Airth had no prior criminal record.<sup>4</sup> He was diagnosed as bipolar at the age of nineteen. Prior to March 2017, Airth had three manic episodes; the last one twelve years ago. He was described by family, friends and neighbors as kind and gentle. He had no history of violence.

On or about March 1, 2017, Airth began to manifest manic behavior. This behavior included rapid speech, an inability to focus or distinguish between fact and fiction, frivolous spending and talking to strangers about private matters. His manic behavior never manifested itself in an aggressive or violent manner.

Between March 1, 2017 and April 15, 2017, Airth was seen several times by physicians, psychologists and psychiatrists. He was given prescriptions for [REDACTED] and [REDACTED]; both antipsychotic medications. His manic condition prevented him from working or being left alone. When his wife would go to work, Airth's mother, [REDACTED] would come to their house and stay with him.

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<sup>3</sup> Refer to OCDA Investigative Report for further details.

<sup>4</sup> Refer to Attachment #1 for Airth's DMV and CII information.

## TACTICAL CONSIDERATIONS / RESPONSE

The California Supreme Court held, in the case of Hayes v. County of San Diego, 57 Cal. 4th 662, that liability for negligence may arise from tactical conduct and decisions employed by law enforcement officers preceding the use of deadly force, when viewed as part of the totality of circumstances. The Court noted that Hayes reiterated what has been California law for over forty (40) years. "Law enforcement personnel's tactical conduct and decisions preceding the use of deadly force are relevant considerations *under California law* in determining whether the use of deadly force gives rise to *negligence* liability. Such liability can arise, for example, if the tactical conduct and decisions show, *as part of the totality of circumstances*, that the use of deadly force was unreasonable." (Emphasis added.)<sup>5</sup>

Hayes did not significantly change the law of California since it has, for years, imposed a duty on law enforcement to "act reasonably when using deadly force." The analysis of whether it was reasonable will focus on both the pre-shooting conduct of officers, as well as the moment when deadly force is used.<sup>6</sup>

The NBPD dispatch center received a 911 call regarding Airth. The reporting party identified David Airth as the primary suspect. The reporting party advised NBPD Dispatch that Airth hit his wife [REDACTED] in the head with a pan, and was outside the house in his underwear, holding a knife.

Officers were dispatched to the area "Code 3" due to violent nature of the call, Airth's erratic behavior, and his possession of a weapon (knife). Officer Biagi arrived on scene within one minute of receiving the call. He was by himself, he had limited information about the circumstances, and did not know the exact location of the suspect. The neighborhood was very dark because of the power outage. Officer Biagi parked his vehicle down the street from the Airth residence and approached on foot. As he approached the residence, he came into contact with Airth. Airth was dressed only in underwear, and was holding a large knife (described by Officer Biagi on the radio as approximately ten inches long).

Officer Biagi ordered Airth to drop the knife and get down on the ground. Airth initially complied with Officer Biagi's instructions, and Officer Biagi broadcast on the radio that he was holding Airth at gunpoint. Moments later, for reasons only known to Airth, he (Airth) retrieved the knife, held it up, and advanced aggressively in Officer Biagi's direction. Based on Airth's actions, Officer Biagi shot Airth multiple times. Officer Biagi stopped firing once Airth appeared to no longer be a threat. Airth fell to the ground and stopped moving. Witnesses estimate the distance between Airth and Officer Biagi was ten feet or less when the shooting occurred.

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<sup>5</sup> Refer to Attachment #2 for CPOA Client Alert dated March 25, 2015.

<sup>6</sup> It is important to note, however, that these accommodations, assuming the Court rules that such must be applied, would be required when time allows for them. In a situation which requires immediate action, and delay is not possible, then the officers' actions must be appropriate in response to the threat forthcoming. That has always been the law.

Officer Biagi held Airth at gunpoint until additional officers arrived on scene. Multiple officers attended to Airth and initiated basic life saving measures. NBFD Paramedics were notified immediately to respond to provide medical treatment.

In this case, Officer Biagi had little time to consider his tactics before he came into contact with Airth. Airth's actions prevented Officer Biagi from being able to coordinate a peaceful solution. Airth's aggressive attack on Officer Biagi left him no choice but to immediately address the situation created by Airth's actions.

Officer Biagi was cognizant of his surroundings and backdrop. His shots were directed toward Airth, hitting him multiple times.<sup>7</sup> Officer Biagi's actions quickly neutralized the threat posed by Airth. Once Airth no longer posed a threat, medical aid was summoned and an assessment of the scene was conducted.

### **OFFICER INTERVIEW**

The interview in this section of the report is a summary and has been abridged. Review the audio recording for the entire interview and exact statements.<sup>8</sup>

#### **Officer Matt Biagi**

On April 20, 2017, at 1125 hours, Sergeant Depweg and I conducted an audio-recorded interview of Officer Biagi in the library of the Newport Beach Police Department. Prior to the interview, Officer Biagi was notified of the specific nature of the administrative investigation, which related to the circumstances surrounding the officer involved shooting of David Airth on April 15, 2017. Officer Biagi chose attorney [REDACTED] to be present with him during the interview.

I advised Officer Biagi of his rights pursuant to AB301, and told him the interview was being audio-recorded. I advised Officer Biagi of his Miranda rights. He stated he understood his rights and declined to answer my questions. I provided Officer Biagi with a Lybarger Admonishment and advised him that I was conducting an administrative investigation. I then ordered him to answer all of my questions fully and honestly.

Officer Biagi confirmed he has been employed as a peace officer by the Newport Beach Police Department since June, 2014, after spending nearly two years employed by the Los Angeles Police Department. He said he has received hundreds of hours of training, both formal and informal, regarding the use of force and the laws and policies that govern it. He said he was familiar with the NBPD Use of Force policy, including the use of deadly force, and reviewed it at least annually as part of his performance evaluation.

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<sup>7</sup> Officer Biagi fired four .40 caliber rounds, striking Airth three times. Airth was shot in the stomach, chest, and neck area. The fourth round struck a patio wall at 239 61<sup>st</sup> Street. Refer to OCDA Investigative Report for further details.

<sup>8</sup> Refer to the audio recording and transcript of Officer Biagi's interview for details.

On the night of April 15, 2017, Officer Biagi said he attended Delta Watch briefing at 1605 hours. This was his first night back in regular uniform patrol after completing his assignment with the Peninsula Enforcement Team.<sup>9</sup> Officer Biagi said he was wearing his full patrol uniform, which included a load bearing vest worn on the outside of his shirt. The external vest had a visible police badge, and the shirt he was wearing had visible police shoulder patches. Officer Biagi was equipped with his department issued Glock Model 22, .40 caliber handgun, two spare handgun magazines, a Taser, OC spray, a baton, a folding knife, and other police equipment (handcuffs, gas mask, helmet, etc.).<sup>10</sup> Officer Biagi was not carrying a secondary handgun (also known as a back-up weapon). The patrol vehicle he was assigned to was equipped with a patrol rifle and a shotgun, which were both checked and functioning properly at the start of the shift.

Officer Biagi said he qualified with his handgun at the NBPB range with Rangemaster Beswick a few weeks before the incident (training records provided by Rangemaster Beswick show Officer Biagi completed the March / April 2017 handgun training).

The evening of April 15, Officer Biagi said he was driving along W. Coast Highway near Hoag Hospital when the call for service on 61<sup>st</sup> Street was broadcast on the radio. He said he remembered the call being broadcast as a battery that just occurred, and he knew he was nearby. He was not familiar with the residents at [REDACTED] and could not recall ever responding there previously. As he began responding, NBPB dispatch updated the crime to a 273.5, the code for felony domestic battery. This elevated the urgency of the response, because it now sounded like the situation was becoming more violent, and somebody was possibly injured. Officer Biagi estimated he was less than one minute away from the location, and because he was so close, he decided it was unnecessary to drive the short distance with his lights and siren.

I asked what additional information he obtained from dispatch prior to arriving on scene. Officer Biagi said, "Dispatch advised that, ah, the male was throwing pots and pans around the house and that, ah, he was having a manic episode, um, and that they said the female, ah, was with the neighbor. Um, and then after that they dispatched that he was in his underwear, he had no clothes on other than his underwear, and that he had left the house with a knife."

I asked Officer Biagi if this information raised his level of alertness while responding to the location. He said, "Yeah, um, when I hear that I'm thinking mental illness, um, and based on my training and experience, ah, mental illness can make a situation more dangerous because these people that would normally be reasonable may not be reasonable anymore. And they're not a - they're not - they're not acting as a reasonable person would. So somebody that, ah, is experiencing a manic episode as they described it, ah, to me is more dangerous, because he, um, he just assaulted his wife, he threw pots and pans around according to dispatch and he left with a knife and he's not wearing clothes. Um, reasonable people don't walk out of their house

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<sup>9</sup> Officer Biagi was assigned to the Peninsula Enforcement Team from April 16, 2016 to April 15, 2017.

<sup>10</sup> Refer to Attachment #3 for a photograph of Officer Biagi in uniform on April 15, 2017. Refer to OCDA Investigative Report for additional photographs and details.

with their underwear on and a knife. So to me I was already on a - a heightened, ah, level of alertness. Also too, um, based on my, ah, experience working for the city, this community doesn't have a lot of domestic violence issues. They don't have a lot of problems in that area. So not only to have that, and all, um, put me on a higher- heightened alert, ah, based on what I was being relayed."

Officer Biagi arrived on scene, and parked his vehicle near the northwest corner of 61<sup>st</sup> Street and Newport Shores Drive (approximately five to six houses away from the target location).<sup>1112</sup> I asked Officer Biagi why he parked there, and he said, "Um, because a marked police vehicle is, ah, a big billboard that the police are there. Um, based on my training and, ah, tactics, when you approach on foot you can use, ah, the cover of darkness easier and you can, ah, approach in more of a tactical sense so that you may not be seen by the suspect right away, um, and that you have a better - you're able to clearly see things better because you're listening to sounds that are - that you may not be able to hear in a car, um, and you can make your approach, ah, safer because you're not, ah, as visible to everybody. And especially since this man had left with a knife, um, I was concerned that he would ambush me. Um, so I wanted to park far away and walk up so that I could have everything, um, in my favor as far as all my senses and being able to listen and hear and see everything that's going on."

Officer Biagi said he wasn't certain where the target residence was located on the street, and the area was still very dark due to the power outage. He described the area as "pitch black", and very difficult to see without a flashlight. Officer Biagi said, "As I approached on foot I saw, um, I saw at least two women standing in the patio of one of the houses I would say about halfway down the block. I saw her holding her head, one of the females holding, um, the left side of her head with a rag or a cloth and I saw blood just pouring down the side of her face. Um, so I requested medics for her because it appeared that she had just been violently assaulted. Um, it confirmed based on what dispatch said that, um, a domestic violence incident had just occurred and that she was injured from that."

The women were the first people he observed as he walked down the street. He said they were crying hysterically, and it appeared they were on the phone with dispatch. In addition to the two women on the patio, Officer Biagi observed a male wearing a green jacket standing in the street, about twenty yards north of his position.<sup>13</sup> The male walked westbound toward the houses, but Officer Biagi did not contact him because moments later he observed the suspect. Officer Biagi said, "...I saw, um, a man come around the corner from the street, um, running southbound on the sidewalk. So the street curved to the left and continued and I saw, um, how would I describe

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<sup>11</sup> The 200 block of 61<sup>st</sup> Street is a single-loaded street, with residences on the west side and an open area with a park on the east side.

<sup>12</sup> Refer to Attachment #4 for a map with Officer Biagi's markings to indicate the location where he parked his vehicle, "V-1".

<sup>13</sup> Refer to Attachment #4 for a map with Officer Biagi's markings to indicate the locations of the individuals on 61<sup>st</sup> Street. "O-1" on the map was Officer Biagi's approximate location when he first observed the females. He was not certain about which patio the females were standing on, so he did not mark their location on the map. The initial location of the male in the green jacket was marked "W-1" on the map.

this? So he was running southbound on the sidewalk. As he came around the corner is when I saw him, so I saw a man running toward me in his underwear. He was a white man with like grey or white hair. And he - he was - appeared to be about 6 feet to me in height. He was running, ah, at a jog I would say toward me. And I saw him in his right hand he had a black object. He was holding, um, the object which I later found out was a knife, um, with the blade. Um, so as he's running at me I can see the butt end of the handle, so I didn't see the blade, because it was - it was as - in his running motion it's pointing backwards. So I saw the object. I didn't immediately know it was a knife. But based on the radio call and, um, the witnesses said that he left with a knife I assumed it was a knife at that point."<sup>14</sup>

Officer Biagi said he was standing near the patio where the females and the male in the green jacket were located. He described what happened next as follows, "I pointed my gun at him. I turned the light on my gun and I said, "Drop the knife. Get on the ground." Um, before I could even finish saying that he already had dropped the knife and proned himself out, had already laid on his stomach with his hands, um, in front of him and face down at - on the ground. And when he dropped the knife, he dropped it. It landed, um, it rested up against a patio wall and the sidewalk. So it was right up against the wall. He had stepped in front of it and laid down, um, on his stomach. When his feet, um, were on the ground the knife was maybe 3 feet to the north of him from where his feet were."<sup>15</sup>

Officer Biagi said the suspect was laying on his stomach, with his head pointed in his (Officer Biagi) direction. The suspect was resting his chin on the ground and his arms were in front of him on the ground. The knife was on the ground, a few feet behind the suspect. Officer Biagi estimated the distance between he and the suspect was approximately thirty feet.<sup>16</sup> The suspect was near the sidewalk, and Officer Biagi was in the street, using the front end of a parked vehicle as a physical barrier. At this point, Officer Biagi said he was the only officer on scene, he didn't know where the responding officers were, he didn't hear any updates on the radio, and he didn't hear any approaching sirens.

I asked him what he was thinking, and Officer Biagi said, "Um, at this point, um, I was thinking this man just committed a violent felony against his wife or girlfriend. I didn't know their relationship at the time. Um, the info I had was it was domestic, so he had just committed a violent felony, he left with the knife, that he was a danger to the public, that he was possibly having a mental illness, um, incident. And like I said before, when he - he started to, um, prone himself out on his own, I - I knew that he recognized I was a police officer. I knew that he was listening to my commands and I thought, okay, this is just like any other time when I've proned somebody out. He's complying. He's got a knife, um, but he's complying and it's gonna end just like any other time

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<sup>14</sup> Refer to Attachment #4 for a map with Officer Biagi's markings to indicate the location where he was when he first observed the suspect. Officer Biagi's location was marked "O-2" and the suspect's location was marked "S-1."

<sup>15</sup> Refer to Attachment #4 for a map with Officer Biagi's markings to indicate the location where he was when he first contacted the suspect. Officer Biagi's location was marked "O-3" and the suspect's location was marked "S-2."

<sup>16</sup> Refer to Attachment #4 for a map with Officer Biagi's markings to indicate the location where he was holding the suspect at gunpoint. Officer Biagi's location was marked "O-4" and the suspect's location was marked "S-3."

I've pruned somebody out." Officer Biagi admitted he was scared, stating, "I mean he's in such proximity to the knife, um, that if he wanted to grab it he could have, and then I would have had to make a reaction in a split second. So that point, yeah. I was fearful that he wouldn't do that, but I was expecting that he would just stay there because of how he had done his - or how he had acted before that."

Officer Biagi provided an update on the radio, and asked for responding officers to drive Code 3 (lights and siren). He said the suspect's demeanor was "...very calm. Um, he didn't make any - he didn't say anything to me. He didn't make any noises. He didn't seem like he was breathing heavy. He just seemed like he was very calm and just laid there."

The suspect appeared to recognize Officer Biagi as a police officer, based on his actions when he first saw him (Officer Biagi). I asked Officer Biagi what this demonstrated about the suspect's state of mind. Officer Biagi said, "Um, it - to me it just showed that he - he was able to be reasonable and recognize that I'm a police officer. I'm giving him commands and that he needs to listen to my commands, um, especially the fact that he has a knife and that I have a gun on him and I'm giving him commands. So he appeared to be at that point being - thinking logically and reasonably and that he knew who I was and what I commanded him to do."

Officer Biagi discussed the force options he considered. He said, "At that point, um, I didn't consider anything else because I'm by myself with a guy that has a knife, which is a deadly weapon. And, um, I thought about immediately going hands on and taking him into custody, but like I mentioned before, the man was bigger than me. He, ah, I didn't know if he is a MMA fighter or if he's, ah, has training on ground fighting and I didn't want to risk getting in a fight with this guy with the knife a few feet away from him. So, um, I - I thought about going hands on but then I decided not to just because I didn't want to be - put myself in a vulnerable situation to get killed or get hurt by this guy."

I asked Officer Biagi why he initially approached the location by himself, without waiting for additional officers. He said, "I'm thinking this man committed a violent felony and he could - if he's got - he had a knife and that he could continue to commit a violent felony against her. He could kill her. He could kill any one of the residents on that street. So I felt that it was necessary for me to go there and try to render aid or make sure that the - not - not render aid but to assess the victim and make sure that she was okay. If she was getting stabbed, if she was getting assaulted further, I needed to go there to intervene to protect her, um, as well as since he left with the knife, I didn't know where he was. I didn't know if he broke the door down to the neighbor's house and took hostages. I didn't know if he stabbed somebody else. So I felt that it was necessary for me to approach right then and there to, um, protect life."

After describing the events thus far, Officer Biagi told me what happened next. "I broadcasted that he's complying, um, like I said before, and I said, "Don't move." And then after about five to ten seconds he pushed up off the sidewalk with his hands like doing a push up, stood up, turned around and walked toward the knife. He grabbed the knife and then turned toward me and he was, um, maneuvering it in his hands and adjusting his grip to where I thought he was about to

stab himself, because he had it pointed at his stomach, so I thought maybe he was gonna, um, stab himself. That was my first thought. Um, then he repositioned the knife in his hand and he was holding the blade and the handle was, ah, he was holding it like a throwing knife, as if you're gonna throw a knife at like a dartboard or something. In his right hand. So he was holding the blade. He starts walking toward me. He steps off the curb. He raises, ah, the blade - the knife over his head like in a throwing motion. And he said, "Are you ready to go down?" Um, at that point I had stepped back trying to create distance but he was walking toward me and appeared that he was about to throw this knife at me, um, so I - I fired at him and shot him."<sup>17</sup>

I asked Officer Biagi to explain how he interpreted the suspect's actions and statement immediately preceding the shooting. Officer Biagi said, "To me that meant he was about to kill me. Um, his statements, the way he's holding the knife, which is not a common way to hold a knife. Um, he appeared to be - to have some kind of training with throwing knives. Um, because of the way he's holding it, and I don't have training on throwing knives but, um, he appeared to know how to hold a knife as if he's about to throw it. Um, so coupled with his statement, his actions with the knife, him walking toward me and closing the distance between me and him I felt - I felt he was about to kill me and - and that my death was imminent." He continued, "I had to react to save my life. Um, I didn't have the opportunity to even think about using any other, um, force option because it happened so fast. Um, that I - I had no other choice but I had to shoot him to stop the threat. And it was - for me it was a last resort to save my life. Um, I just pictured, you know, when you throw a knife into like a dart board and it just sticks in the dart board, I just pictured him throwing it and hitting my head and just stabbing me in the head."

Officer Biagi believed he fired three or four rounds. He knew several of the rounds hit the suspect because he saw the bullet wounds on the suspect after he fell to the ground. He estimated the suspect was approximately ten to fifteen feet away from him when he fired the rounds, and the suspect stopped moving and fell approximately ten feet from him (Officer Biagi).

Officer Biagi said he advised on the radio that shots had been fired. He remained with the suspect, who was not moving, until Officers Cooke and Hughes arrived on scene approximately thirty seconds later. Officer Biagi said, "Um, they arrived, um, and I - I think I told them where the knife was and obviously they were amped up and they were pretty amped up and agitated so I just told them, "Let's slow down and glove up, put gloves on," because there was blood. Um, and I - I told them, "Let's pull him away from the knife." I had Jamison (Officer Hughes) stand on the knife just to make sure that nobody went for it, but so that we could preserve as much evidence as we could. And I said, "Let's pull him away and let's do CPR on him." So, ah, I don't remember if I pulled him away myself or if Travis (Officer Cooke) helped me or what, but so we had Jamison and then me and Travis and then Travis did CPR on the suspect."

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<sup>17</sup> Refer to Attachment #4 for a map with Officer Biagi's markings to indicate the location where he was standing at the moment the shooting occurred. Officer Biagi's location was marked "O-5" and the suspect's location was marked "S-4."



Officer Biagi estimated paramedics arrived on scene about one minute later, and provided medical aid to the suspect. With additional officers and paramedics on scene, Officer Biagi was able to move a short distance away and take a moment to himself. He did not interview any witnesses, and he did not conduct any further investigation. He provided a public safety statement to Sergeant Joe on scene. Officer Esswein drove Officer Biagi to the NBPD station, where he met with his attorney, Sergeant Thulin (Watch Commander), and OCDA investigators. Eventually Officer Biagi was driven home in his own vehicle by Officer Farris and Officer Maslin.

While describing the details of the incident during the interview, Officer Biagi was visibly upset. I asked him to describe the emotions that he was feeling. He said, "Um, yeah. I just, um, I feel like I'm gonna cry to be honest. Um, it's just - it's been a lot of emotion obviously. So. It's just been obviously very, very traumatic for me, um, reliving it especially, thinking about it and, ah, you know, I know I had no other choice because it happened so fast. So, um, I - I feel bad for the - the wife really, or the female out of everything the most because not only does, you know, she witness all this but I mean, her husband or whoever he is is dead. I think he's her husband. So she's, you know, not only was assaulted by him and now her husband is dead. So I feel bad for her. Um, it's just that, um, just a lot, a lot of, you know, a lot of stress for m-for me."

### **DISPATCH OPERATIONS / RESPONSE**

Dispatch handled 78 phone calls and 233 radio transmissions related to the event. Outside agency resources were requested in a timely manner.<sup>18</sup>

### **NBPD POLICY CONSIDERATIONS**

#### **1. Officer Involved Shootings**

The NBPD policy on an OIS is set forth in manual section § 310. It reads;

The intent of this policy is to establish guidelines and procedures for the investigation of an incident in which a person is injured as the result of a police shooting and to ensure that such incidents are investigated in a fair and impartial manner.

#### **310.5.1 DUTIES OF INITIAL ON SCENE SUPERVISOR**

Upon arrival at the scene of an officer-involved shooting, the first uninvolved supervisor should:

- (a) Take all reasonable steps to obtain emergency medical attention for all apparently injured individuals.
  1. Officer Injured: If possible, an officer shall be assigned to accompany the injured officer to the hospital.

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<sup>18</sup> Refer to attached DVD for NBPD Dispatch radio traffic and phones related to this incident.

2. **Suspect or Other Party Injured:** If possible, an officer shall accompany the suspect or other injured party to the hospital. The officer is to secure and maintain custody of the suspect until properly relieved. The officer shall secure all the suspect's clothing and property. Property taken from the suspect shall be considered evidence until released by the assigned investigator.
- (b) Attempt to obtain a brief overview of the situation from any non-shooter officer(s).
1. In the event that there are no non-shooter officers, the supervisor should attempt to obtain a brief voluntary overview from one shooter officer.
- (c) If necessary, the supervisor may administratively order any officer from this department to immediately provide public safety information necessary to secure the scene and pursue suspects.
1. Public safety information shall be limited to such things as outstanding suspect information, number and direction of shots fired, parameters of the incident scene, identity of known witnesses and similar information.
- (d) Absent a voluntary statement from any officer(s), the initial on scene supervisor should not attempt to order any officer to provide other than public safety information.
- (e) Provide all available information to the Watch Commander and Dispatch. If feasible, sensitive information should be communicated over secure networks.
- (f) Take command of and secure the incident scene with additional personnel until relieved by a detective supervisor or other assigned personnel. A coordinated effort to apprehend any outstanding suspect(s) should be immediately initiated. Issues to consider:
1. Establish a large perimeter.
  2. Initiate a crime scene log. Authorized entry into the crime scene shall be limited to assigned investigating personnel via a designated point.
  3. A Command Post may be established.
- (g) Coordinate efforts to identify all witnesses, sworn and civilian. Civilians should be asked to remain at the scene to be interviewed by investigators or be voluntarily transported to the Department to be interviewed. Any statements should be recorded.
- (h) As soon as practical, shooter officers should respond or be transported (separately, if feasible) to the station for further direction.
1. Each involved officer should be given an administrative order not to discuss the incident with other involved officers pending further direction from a supervisor.

2. When an officer's weapon is taken or left at the scene (e.g., evidence), the officer will be provided with a comparable replacement weapon or be transported to the station by other officers. Do not reload or unload the involved officer's handgun except in an emergency.

After the OIS occurred, Officer Wilson and Officer Cooke were assigned to accompany NBFD Paramedics as they transported Airth to OC Global Medical Center. Officer Varela responded to Hoag Hospital with the domestic battery victim. Sergeant Joe obtained a public safety statement from Officer Biagi. The scene was contained, a crime scene log was initiated and maintained, and the appropriate administrative notifications were made. All witnesses were identified and interviewed. Officer Esswein transported Officer Biagi to the NBPd station, where he was accompanied by a co-worker, a Police Association Representative, and able to contact his representing attorney. The handgun used in the shooting was taken at the NBPd station.<sup>19</sup> No personal weapons were removed from Officer Biagi.

## **2. Administrative Investigative Team**

The NBPd policy on who is to be notified during a critical incident is set forth in manual section § 310. It reads;

The following person(s) shall be notified as soon as practical:

- Chief of Police
- Detective Division Commander
- District Attorney OIS rollout team
- Administrative Investigation Team
- Trauma Support Team
- Coroner (if necessary)
- Officer Representative (if requested)
- Police Management Association and/or Police Association

The appropriate persons were promptly notified, with a majority of the notifications being made by the on-duty Watch Commander, Sergeant Thulin.

## **3. OIS Investigation Assignments**

The NBPd policy that establishes guidelines and procedures for the investigation of an incident in which a person is injured as the result of a police shooting is set forth in manual section § 310. It reads;

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<sup>19</sup> The firearm used by Officer Biagi was a department issued Glock, Model 22, .40 caliber, semi-automatic handgun, serial # CPT550. The magazine seated in the handgun had a fifteen round capacity. Officer Biagi filled his magazine with fourteen rounds, with one round in the chamber, for a total of fifteen rounds in the firearm. Officer Biagi had two additional fifteen round magazines, each filled with fourteen rounds. The ammunition he fired was department issued Speer Gold Dot, 40 S&W, 180 grain. Refer to OCDA Investigative Report for further details.

Officer-involved shootings involve several separate investigations. The investigations may include:

- (a) A criminal investigation of any suspect(s) by the agency having jurisdiction where the incident occurred. This department may relinquish its criminal investigation to an outside agency with the approval of the Chief of Police or a Division Commander
- (b) A criminal investigation of the involved officer(s) conducted by an outside agency
- (c) A civil investigation to determine potential liability conducted by the involved officer's agency
- (d) An administrative investigation conducted by the involved officer's agency, to determine if there were any violations of department policy

The Orange County District Attorney's Special Assignment Unit (OCDASAU) responded to the OIS scene and conducted an independent and through investigation into the actions of Officer Biagi. Based on their investigation, it was determined that Officer Biagi acted in lawful defense of himself or others and was legally justified under the circumstances.<sup>20</sup>

The NBPDCAP conducted an independent and through investigation into the actions of the suspect. Based on the available information, it was determined the suspect committed the crime of 273.5 PC – Domestic Battery against his wife, and 245(a) PC – Assault with a Deadly Weapon against Officer Biagi.

The NBPDPSTU conducted an independent and through administrative investigation in order to determine if there were any policy violations committed by any involved NBPDPSTU parties and to identify any future training and/or procedural changes needed to better the department.

#### **4. Media Response**

The NBPDPSTU policy governing NBPDPSTU's media response during an OIS is set forth in manual section § 310.5.4. It reads;

A single press release shall be prepared with input and concurrence from the supervisor and agency representative responsible for each phase of the investigation. This release will be available to the Watch Commander, Detective Division Commander and Press Information Officer

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<sup>20</sup> Penal Code 835a states; Any peace officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use reasonable force to effect the arrest, to prevent escape or to overcome resistance. A peace officer who makes or attempts to make an arrest need not retreat or desist from his efforts by reason of the resistance or threatened resistance of the person being arrested; nor shall such officer be deemed an aggressor or lose his right to self-defense by the use of reasonable force to effect the arrest or to prevent escape or to overcome resistance.

in the event of inquiries from the media. It will be the policy of this department to not release the identities of involved officers absent their consent or as required by law.

As expected, NBPd Dispatch received multiple media inquiries following the OIS. NBPd Dispatch requested Public Information Officer (PIO) Jennifer Manzella to respond to the city in order to handle all media inquiries and prepare a press release. I reviewed all media coverage posted online and aired on television. Based on my review, I found the coverage to be in favor of the NBPd.<sup>21</sup>

## **5. Use of Force**

The NBPd policy on the use of deadly force is set forth in manual section § 300.4. It reads;

### **300.4 DEADLY FORCE APPLICATIONS**

Use of deadly force is justified in the following circumstances:

(a) An officer may use deadly force to protect him/herself or others from what he/she reasonably believes would be an imminent threat of death or serious bodily injury.

(b) An officer may use deadly force to stop a fleeing subject when the officer has probable cause to believe that the person has committed, or intends to commit, a felony involving the infliction or threatened infliction of serious bodily injury or death, and the officer reasonably believes that there is an imminent risk of serious bodily injury or death to any other person if the subject is not immediately apprehended. Under such circumstances, a verbal warning should precede the use of deadly force, where feasible.

Imminent does not mean immediate or instantaneous. An imminent danger may exist even if the suspect is not at that very moment pointing a weapon at someone. For example, an imminent danger may exist if an officer reasonably believes any of the following:

1. The person has a weapon or is attempting to access one and it is reasonable to believe the person intends to use it against the officer or another.
2. The person is capable of causing serious bodily injury or death without a weapon and it is reasonable to believe the person intends to do so.

Prior to the officer arriving at the location, the suspect armed himself with a knife and exited his residence. The suspect's wife and multiple neighbors were nearby. After arriving to the scene, Officer Biagi found himself faced with an armed suspect. After momentarily complying with the officer's commands, the suspect re-armed himself. The suspect did not comply with a lawful order to drop his weapon which gave Officer Biagi no choice to negotiate with him, but only to stop the threat. Officer Biagi made a split second fearful decision to deploy deadly force on the suspect to

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<sup>21</sup> For further details, refer to the attached DVD for the Press Coverage Report.

protect his own life and the lives of the citizens nearby. Officer Biagi fired at the suspect until his threatening actions stopped. Once the suspect no longer posed a significant threat, Officer Biagi stopped firing his weapon. All available evidence and information indicates that the suspect posed an immediate threat of life or serious bodily injury to the officer and other persons surrounding the scene. Officer Biagi's actions were objectively reasonable, given the totality of the circumstances.

The Orange County District Attorney's Office determined, "Based upon a review of all of the evidence provided to and obtained by the OCDA, and based on the entirety of the facts contained in all the available reports and interviews reviewed, and pursuant to the applicable legal principles, it is our legal opinion that there is no evidence of criminal culpability on the part of Officer Biagi, and there is overwhelming evidence that his actions were reasonable and justified under the circumstances when he shot Airth on April 15, 2017. Accordingly, the OCDA is closing its inquiry into this incident."

#### **6. Range Qualifications**

The NBPB policy governing weapons and range qualifications is set forth in manual section § 312. It reads;

This policy establishes procedures for the acquisition, use, and documentation of training in the use of firearms.

#### **312.4 FIREARMS QUALIFICATION**

All sworn personnel shall attend range training and qualify bi-monthly with their duty weapon.

Officer Biagi last qualified with his handgun during the March / April 2017 qualification course with Rangemaster Beswick.<sup>22</sup>

#### **7. MDC Use**

The NBPB policy governing the use of the MDC is set forth in manual section § 448. It reads;

The use of the Mobile Data Computer (MDC) will include, but is not limited to, transmitting and receiving calls for service; inquiries through local, state and national data bases; point to point messaging; as well as completing reports and accessing various Department resources. Employees shall comply with all federal and state rules and regulations and Department policies that apply.

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<sup>22</sup> Refer to Attachment #5 for Officer Biagi's firearms qualification records.

## **448.2 MDC USE**

The MDC shall be used for official police communications only. Messages that are of a sexual, racist, or offensive nature, or otherwise critical of any member of the Department are strictly forbidden.

I reviewed all MDC messages sent and received from the onset of the radio call through the completion of the scene and found our officers abided by the above guidelines.<sup>23</sup>

### **8. Uniform/Equipment Conditions**

The NBPB policy establishing the uniform and equipment approved for officers to wear is set forth in manual section § 1046. It reads;

#### **1046.2 WEARING AND CONDITION OF UNIFORM AND EQUIPMENT**

Police employees wear the uniform to be identified as the law enforcement authority in society. The uniform also serves an equally important purpose to identify the wearer as a source of assistance in an emergency, crisis or other time of need.

The uniform policy of the Newport Beach Police Department is established to ensure that uniformed officers will be readily identifiable to the public through the proper use and wearing of department uniforms. Officer Biagi was dressed in his Class B Uniform. This included a Sam Browne, black boots, external vest with affixed badge, and uniform shirt with NBPB patches.<sup>24</sup>

### **9. Code 3 Driving**

The NBPB policy establishing officers' response to call for service, specifically code 3 driving is set forth in manual section § 316. It reads;

#### **316.4 INITIATING CODE 3 RESPONSE**

If an officer believes a Code-3 response to any call is appropriate, the officer shall immediately, or as soon as practical, notify Dispatch.

#### **316.5 RESPONSIBILITIES OF RESPONDING OFFICER(S)**

Officers shall exercise sound judgment and care with due regard for life and property when responding to an emergency call. Officers shall reduce speed at all street intersections to such a

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<sup>23</sup> For details of the MDC messages transmitted during the time of the OIS and following, refer to the MDC Report.

<sup>24</sup> Refer to Attachment #3 for a photograph of Officer Biagi in uniform on April 15, 2017. Refer to OCDA Investigative Report for additional photographs and details.

degree that they shall have complete control of the vehicle. The decision to continue a Code-3 response is at the discretion of the officer.

I reviewed the Mobile Video System of Officers Hughes, Cooke, Abrahamyan, Thielman, Varela, Esswein, Dugan, Fasano, and Sergeant Joe order to review their code 3 driving.

Officers Hughes, Cooke, Abrahamyan, Thielman, and Fasano all passed vehicles on the right while responding to the scene. After a review of the video, I determined this was due to the fact that the vehicles stopped in the far left lane and would not yield to the right as required by law. Based on my observations, the officers had no other choice but to pass on the right.

While responding westbound on West Balboa Boulevard, Officers Hughes and Cooke attained speeds of 75 MPH or more for brief periods of time. The posted speed limit along this section of West Balboa Boulevard was 30 MPH. Traffic was light due to the late hour, and both officers were able to safely pass the few vehicles in this area on the left. Officers Hughes and Cooke were Officer Biagi's assigned beat partners during this shift, and they were the closest officers to Officer Biagi's location. Based on the exigent circumstances, it was critical that the officers arrive on scene as quickly as possible to provide assistance. With that being said, both officers should be reminded of the dangers of overdriving, both to themselves and to the general public.

I found the remaining officers to be within policy.

#### **10. Report Preparation**

The NBPDP policy establishing officers' report preparation is set forth in manual section § 344. It reads;

Report preparation is a major part of each officer's job. The purpose of reports is to document sufficient information to refresh the officer's memory and to provide sufficient information for follow-up investigation and successful prosecution.

I reviewed all of the NBPDP reports as well as the OCDA Investigators' reports and found them to be thorough and complete.

#### **TRAINING TOPICS**

##### **Code 3 Driving**

Officers need to remember when responding to an emergency call for service and they are travelling with their emergency equipment activated, they must still drive with due regard for the safety of others.



**INVESTIGATIVE INSIGHT**

Officer Biagi was faced with a suspect engaged in the commission of a felony and armed with a knife. The suspect appeared to be suffering from an unknown mental breakdown. The suspect had already injured his wife by striking her in the head with a pan. He later armed himself with a knife and left the residence. When confronted by Officer Biagi, he briefly complied with the officer's commands by dropping the knife and laying on the ground. Moments later, he retrieved the knife and moved in the officer's direction in a threatening manner. The level of violence displayed by the suspect in this case limited the force options available to the involved officer, so that deadly force was, at the final moment, the available option.

**CONCLUSION**

Officer Biagi's use of deadly force case was justified and followed the policy of the Newport Beach Police Department. The tactics used were sound and consistent with the training he had received. I recommend no further action. For details of the OCDASAU's investigation, refer to the attached OCDASAU Report.

Respectfully Submitted,



Dave Miner, Sergeant  
Professional Standards Unit

Approved,



Tom Fischbacher, Lieutenant  
Executive Officer

Approved,



Don Lewis  
Chief of Police

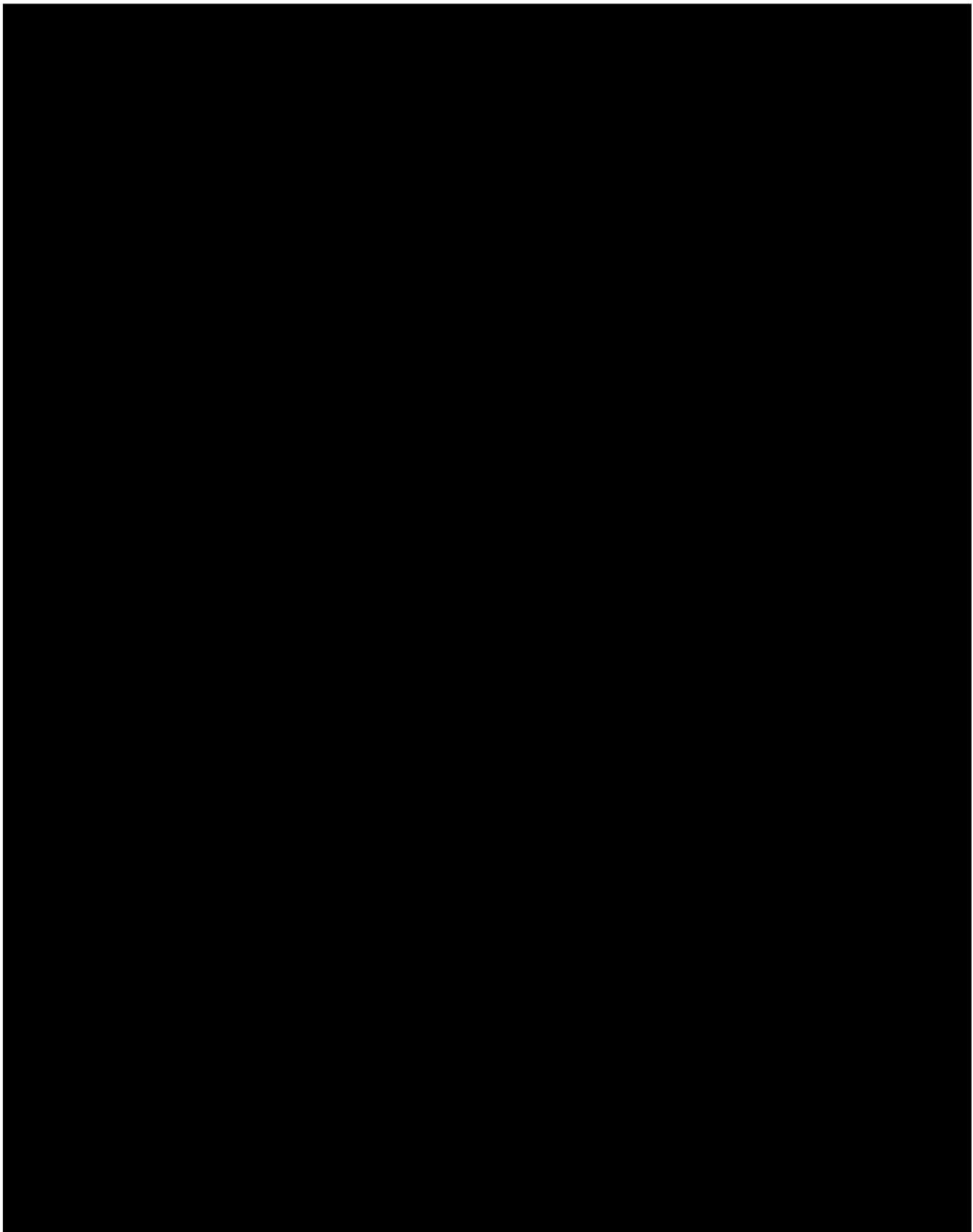
**ATTACHMENTS:**

- Attachment #1- David Airth's DMV and CII Information
- Attachment #2- CPOA Client Alert dated March 25, 2015
- Attachment #3- OCDA Photograph #4 of Officer Biagi
- Attachment #4- Map of 61<sup>st</sup> Street with Officer Biagi's Markings
- Attachment #5- Officer Biagi's Firearms Qualification Records

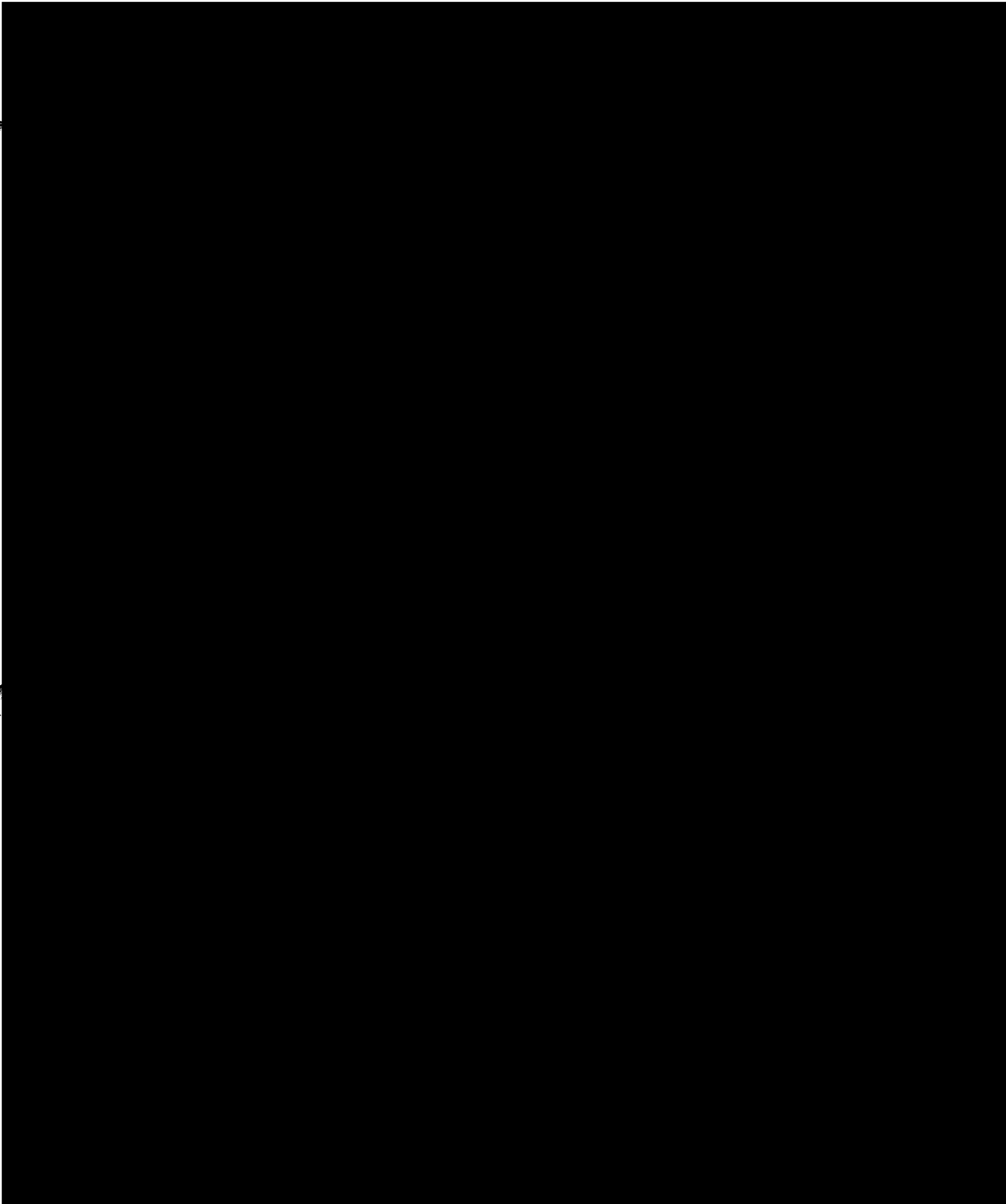
**DIGITAL ATTACHMENTS:**

- Attachment #6- DVD with Officer Biagi's POST Profile Report and Training Records

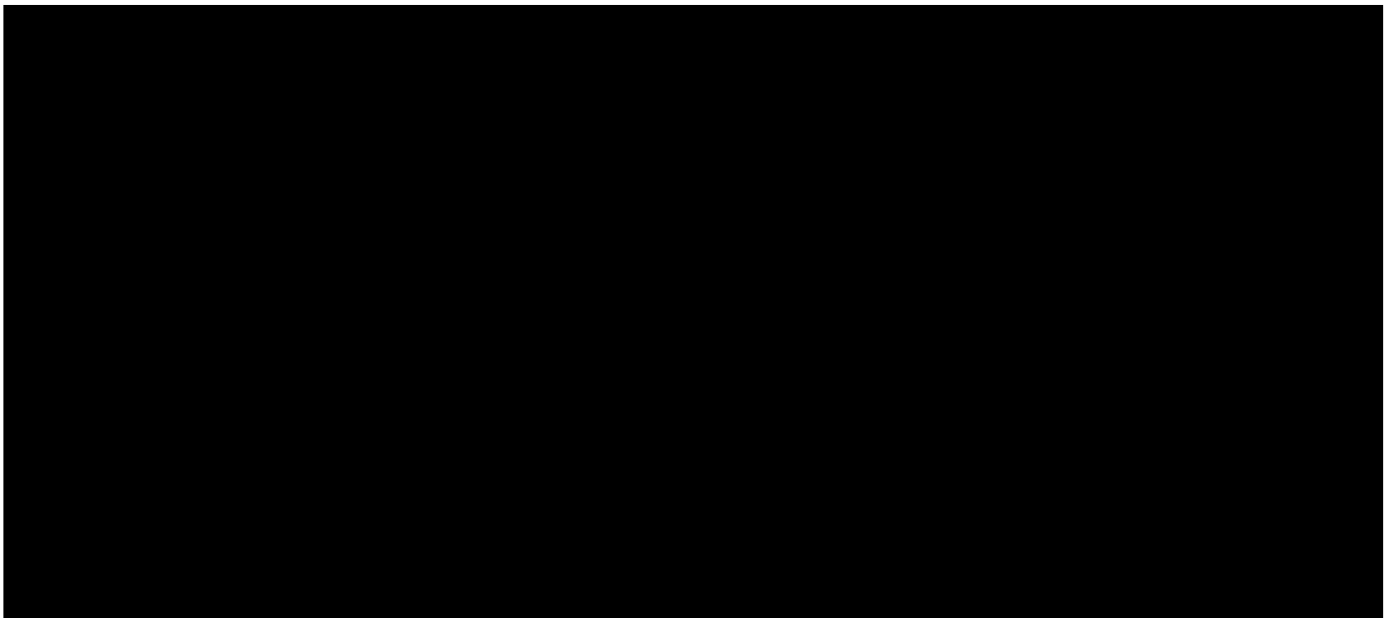
# **ATTACHMENT #1**







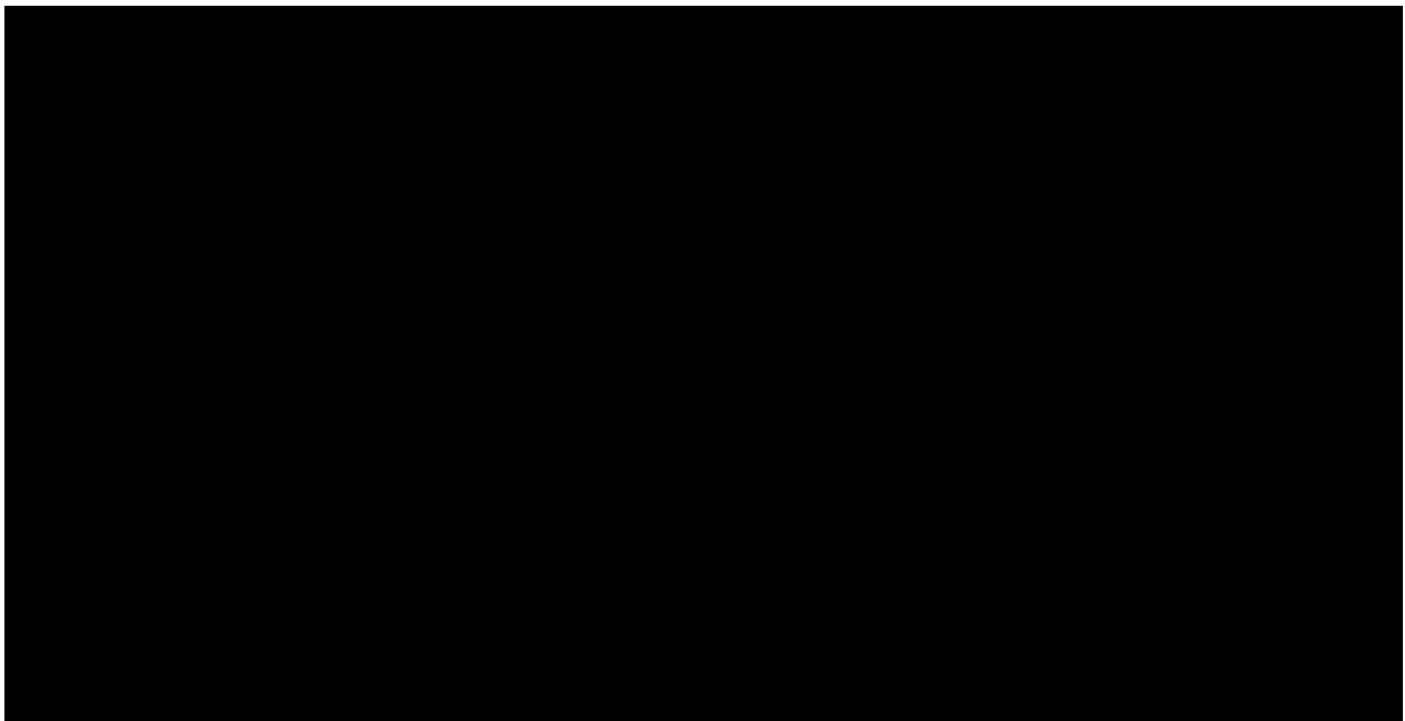


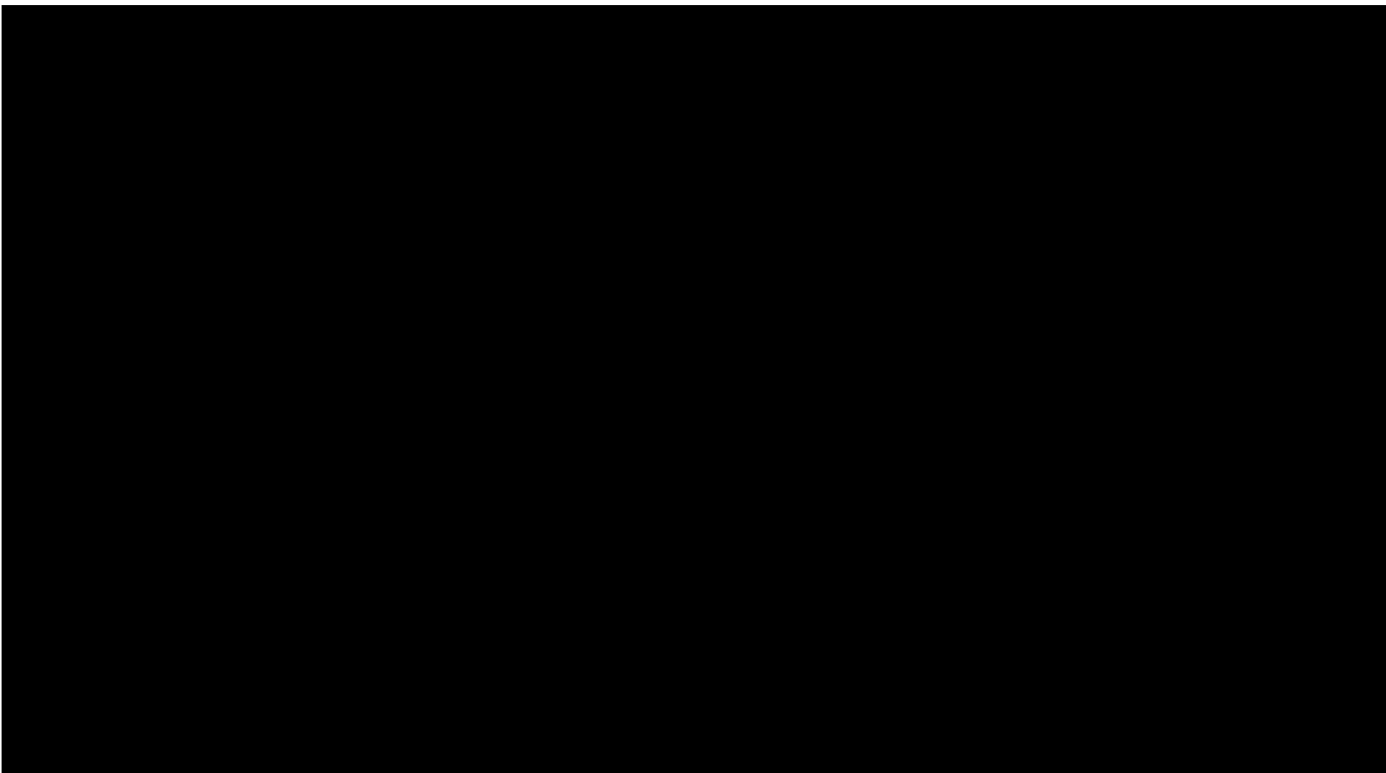












# **ATTACHMENT #2**

YOUR SOURCE. YOUR VOICE. YOUR CHOICE.

## CPOA CLIENT ALERT



March 25, 2015

### **Must Law Enforcement "Reasonably Accommodate" Violent, Mentally Ill, Suspects When Taking Them Into Custody?**

On March 23, 2015, the United States Supreme Court heard oral argument in the case of San Francisco v. Sheehan, involving the interaction between police and a mentally ill person.

The issue presented focused on whether or not law enforcement, when confronting someone they know is mentally ill, must comport with the American Disabilities Act (ADA) and "reasonably accommodate" that person before resorting to the use of force?

Reasonable accommodations could be, for example, communicating with the person for an extended period of time; containing the scene and calling for specialized assistance; or allowing time to pass so the situation calms down.

Law enforcement's concerns include, should the Supreme Court decision favor Sheehan's claims, that it would work to hinder proven police tactics, place officers and possible innocent bystanders at risk, and open police departments to even more vicarious liability lawsuits.

#### **Facts**

The case involves Teresa Sheehan who was a resident of a group home in San Francisco and suffered from mental illness, schizophrenia, including delusions and hallucinations. The police had been called by her social worker after Ms. Sheehan had threatened to stab the social worker, and locked herself in her room. Her counselor had determined that she needed to be taken into custody for involuntary psychiatric evaluation and treatment. The police had been briefed on the situation and were aware of her mental problems.

The police entered her room and attempted to communicate with her when she threatened them with the knife. They retreated out of the room but then went back, in an effort to take her into custody. They used pepper

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Written by: Martin J. Mayer, Esq. with the firm of Jones & Mayer.

The firm is located in Fullerton, California, and is a public sector law firm which focuses its attention on representing the interests of law enforcement in cities and counties throughout the State of California.

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spray and when that failed they tried to physically control her when she, again, threatened and approached them with the knife. At that time, they fired their weapons and hit her five times. She survived and ultimately sued for violation of her Fourth Amendment right against unreasonable search and seizure, as well as for violation of the ADA.

At trial, the district court held that the ADA did not apply to situations where an officer tries to arrest an armed and violent individual and dismissed her law suit. However, the Ninth Circuit U.S. Court of Appeal reversed and remanded the case for trial.

"We hold that, on the facts presented here, there is a triable issue whether the officers failed to reasonably accommodate Ms. Sheehan's disability when they forced their way back into her room without taking her mental illness into account or employed generally accepted police practices for peaceably resolving a confrontation with a person with mental illness." The City petitioned for review by the U.S. Supreme Court, which accepted the case.

#### **U. S. Supreme Court Hearing**

During oral argument, it appeared that most justices did not think the ADA would apply in circumstances where the individual was armed and dangerous. However, from questions and comments by the justices it also appeared that they might be inclined to order the matter back to the district court for trial.

Justice Antonin Scalia said the San Francisco case should be dismissed, and returned for trial, because the San Francisco city attorney had acknowledged that the police are bound by the ADA under certain circumstances.

Justice Sonia Sotomayor said that even though the officers thought Sheehan was a danger to herself or others, going back into the room the second time wasn't justified. She said the officers "could have waited and tried to talk her out." She also noted that the ADA was "intended to ensure that police officers try mitigation in these situations before they jump to violence."

However, Justice Elena Kagan stated that when officers are facing someone who is armed and "may be violent at any time," there is "some reason to give the police officers who have to deal with them the benefit of the doubt."

Sheehan's attorney argued that the case involved a "factual dispute" and, therefore, should be decided by a jury, to which Justice Scalia responded, "Exactly, I don't know why we took this case."

#### **HOW THIS AFFECTS YOUR AGENCY**

Obviously, until the Supreme Court issues a ruling on this matter, which should occur before the end of June, there is no direct impact on law enforcement agencies. However, it behooves all to recognize that the courts are looking, more frequently, at how law enforcement handles situations which result in the use of deadly force.

As an example, on August 19, 2013, the California Supreme Court held, in the case of Hayes v. County of San Diego, 57 Cal. 4th 662, that liability for negligence may arise from tactical conduct and decisions employed by law enforcement officers preceding the use of deadly force, when viewed as part of the totality of circumstances.

That case also involved a person who suffered from mental illness and the officers had been told that he had threatened to commit suicide.

The Court noted that Hayes reiterated what has been California law for over forty (40) years. "Law enforcement personnel's tactical conduct and decisions preceding the use of deadly force are relevant considerations *under California law* in determining whether the use of deadly force gives rise to *negligence* liability. Such liability can arise, for example, if the tactical conduct and decisions show, *as part of the totality of circumstances*, that the use of deadly force was unreasonable." (Emphasis added.)

Hayes did not significantly changed the law of California since it has, for years, imposed a duty on law enforcement to "act reasonably when using deadly force." The analysis of whether it was reasonable will focus on both the pre-shooting conduct of officers, as well as the moment when deadly force is used.

In the Sheehan case, however, the analysis will go beyond issues of negligence and focus on whether or not there is a duty, under the ADA, to take steps before using deadly force, which appear to be necessitated due to the subject's mental illness.

In light of the focus of the courts, it might be appropriate for law enforcement to "get ahead of the curve" and provide additional training to officers regarding the handling of situations such as these.

It is important to note, however, that these accommodations, assuming the Court rules that such must be applied, would be required when time allows for them. In a situation which requires immediate action, and delay is not possible, then the officers' actions must be appropriate in response to the threat forthcoming. That has always been the law.

It is most important for agencies to confer with their legal advisors when interpreting and applying the law. However,

and as always, if you wish to discuss this case in greater detail, please feel free to contact me at (714) 446 - 1400 or via email at [mjm@jones-mayer.com](mailto:mjm@jones-mayer.com).

Information on [www.jones-mayer.com](http://www.jones-mayer.com) is for general use and is not legal advice. The mailing of this Client Alert Memorandum is not intended to create, and receipt of it does not constitute an attorney-client relationship.



# **ATTACHMENT #3**

OCDA PHOTO #4 – OFFICER BIAGI



# **ATTACHMENT #4**





Google



# **ATTACHMENT #5**

**MEMORANDUM**

To: Sgt. Miner

Date: 1/6/2018

From: C. Beswick #117

Time: 9:38:28 AM

Subject: Shooting records for Matt Biagi

Attached are the range records for Matt Biagi #1453 that cover from April/2014 to April/2017.

A check mark by each officer's name, indicates that the officer did complete the range training for that training period.

Charlie Beswick #117  
Range Master

☐ Please Reply☐

No Reply

Low Light

IOT

# SHOOTING ON THE MOVE & FROM COVER

Att. Duty



# DUELING TREE

9/3/2014

November/December 2014

Firearms Training

STEEL CHALLENGE

Last Name	First Name	NBPD ID	POST ID	Initials	Date
✓ Adame	Ricardo	1383		8.25 φ	12-15-14
✓ Aguilar	Monica	1282		14.55 φ	11-30-14
✓ Allen	Jennifer	1352		12.91 φ	12-24-14
✓ Anderson	Vladimir	1114		10.25 φ	12-3-14
✓ Arnold	Spencer	1008		8.33 φ	12-23-14
✓ Biagi	Matt	1453		10.4 φ	11-25-14
✓ Bennett	Bob	1396		7.20 φ	12-23-14 *
✓ Beswick	Charles	117		8.31 φ	11-6-14
✓ Beverly	William	1034		8.42 φ	11-6-14
✓ Birch	Dennis	911		7.36 φ	11-6-14 *
✓ Bixler	Dave	1060		10.21 φ	12-4-14
✓ Blakely	Jason	1302		11.98 φ	12-2-14
✓ Bratiloveanu	Andrei	1394		AR 7.31-1	11-26-14
✓ Brouwer	Jeffrey	1199		8.15-1	11-6-14
✓ Burdette	William	1023		6.72-1	12-23-14 - 9.45 φ
✓ Burns	Christopher	1244		13.92 φ	12-5-14
✓ Bush	Todd	1079		6.00 φ	11-22-14 **
✓ Cammack	Kyle	1232		9.59 φ	12-4-14
✓ Card	Randy	1016		10.12 φ	12-4-14
✓ Carpentieri	Peter	1373		11.06 φ	12-6-14
✓ Cartwright	Joseph	1228		8.22-1	12-23-14
✓ Cooke	Travis	1440		9.37-1	12-6-14
✓ Clemente	Gary	1296		AR	11-26-14
✓ Comte	Joshua	1300		8.22 φ	12-30-14
✓ Cuthbert	Chip	676		<del>AR</del>	12-6-14 11.32-2
✓ Darling	David	1200		8.48 φ	12-6-14
✓ DeJulio	Joseph	1340		7.38-1	
✓ DeLaTorre	Antonio	1327		AR	11-26-14
✓ Depweg	William	1224		10.32-2	12-15-14
✓ Depweg	Marie	1290		12.43-1	12-15-14
✓ Dugan	Shawn	1293		7.66 φ	12-21-14 *
✓ Dutton	Jeremy	1364		8.15 φ	11-13-14
✓ Eischen	Kent	862		7.32 φ	11-25-14 *
✓ Faludi	Gerald	916		10.72-2	12-6-14
✓ Farris	Nathan	1421		9.95 φ	12-15-14
✓ Fischbacher	Thomas	926		10.03 φ	12-30-14
✓ Fitzgerald	Garrett	1308		9.33 φ	12-3-14
✓ Fitzpatrick	Mark	1181			
✓ Fletcher	Michael	1297		6.94 φ	12-6-14 **
✓ Fox	Kristen	1130		20.13-2	12-15-14
✓ Freeman	Helen Penny	1166		IOD	
✓ Gilbert	Adam	1375		7.68 φ	11-30-14 *
✓ Graham	Matthew	1180		7.58 φ	12-23-14 *
✓ Grange	Chad	1395		8.20 φ	11-30-14

10/29/2014



# Jan/Feb Range Training

2015  
AR-15 UPDATE

	LAST NAME	FIRST NAME	NBPD ID #	INITIALS	DATE
1	Adame, Jr.	Ricardo	1383		
2					
3	Allen	Jennifer	1352		
4	Anderson	Vladimir	1114		
5	Arnold	Spencer	1008		
6	Bennett	Robert	1396		
7	Beswick	Charles	117		
8	Beverly	William	1034		
9	Biagi	Matthew	1453		
10	Birch	Dennis	911		
11	Bixler	David	1060		
12	Blakely	Jason	1302		
13	Bratiloveanu	Andrei	1394		
14	Brouwer	Jeffrey	1199		
15	Burdette	William	1023		
16	Burns	Christopher	1244		
17	Bush	Todd	1079	LOA	
18	Cammack	Kyle	1232		
19	Card	Randall	1016		
20	Carpentieri	Peter	1373		
21	Cartwright	Joseph	1228		
22	Clemente	Gary	1296		
23	Comte	Joshua	1300		
24	Cooke	Travis	1440		
25	Curtain	Jonathan	1448	Academy	
26	Cuthbert	George	676		
27	Darling	David	1200		
28	DeJulio	Joseph	1340		
29	DeLaTorre	Antonio	1327		
30	Depweg	Marie	1290		
31	Depweg	William	1224		
32	Duenas	Jeremy	1434	IOD	
33	Dugan	Shawn	1293		
34	Dutton	Jeremy	1364		
35	Eischen	Kent	862		
36	Faludi	Gerald	916		
37	Farris	Nathan	1421		
38	Fasano	Mark	1456	ACADEMY	
39	Fischbacher	Thomas	926		
40	Fitzgerald	Garrett	1308		
41					
42	Fletcher	Michael	1297	2-26-15 ANG	
43	Fox	Kristen	1130		
44	Freeman	Charles	725		
45	Freeman	Helen Penny	1166	IOD	
46	Gilbert	Adam	1375		
47	Graham	Matthew	1180		



# March/April Shotgun Training 2015

	LAST NAME	FIRST NAME	NBPD ID #	INITIALS	DATE
✓ 1	Adame, Jr.	Ricardo	1383		
✓ 2					
✓ 3	Allen	Jennifer	1352		
✓ 4	Anderson	Vladimir	1114		
✓ 5	Arnold	Spencer	1008		
✓ 6	Bennett	Robert	1396		
✓ 7	Beswick	Charles	117		
✓ 8	Beverly	William	1034		
✓ 9	Biagi	Matthew	1453		
✓ 10	Birch	Dennis	911		
✓ 11	Bixler	David	1060		
✓ 12	Blakely	Jason	1302		
✓ 13	Bratiloveanu	Andrei	1394		
✓ 14	Brouwer	Jeffrey	1199		
✓ 15	Burdette	William	1023		
✓ 16	Burns	Christopher	1244		
✓ 17	Bush	Todd	1079		
✓ 18	Cammack	Kyle	1232		
✓ 19	Card	Randall	1016		
✓ 20	Carpentieri	Peter	1373		
✓ 21	Cartwright	Joseph	1228		
✓ 22	Clemente	Gary	1296		
✓ 23	Comte	Joshua	1300		
✓ 24	Cooke	Travis	1440		
✓ 25	Curtain	Jonathan	1448		
✓ 26	Cuthbert	George	676		
✓ 27	Darling	David	1200		
✓ 28	DeJulio	Joseph	1340		
✓ 29	DeLaTorre	Antonio	1327		
✓ 30	Depweg	Marie	1290		
✓ 31	Depweg	William	1224		
✓ 32	Duenas	Jeremy	1434	IOD/Lt Duty	
✓ 33	Dugan	Shawn	1293		
✓ 34	Dutton	Jeremy	1364		
✓ 35	Eischen	Kent	862		
✓ 36	Faludi	Gerald	916		
✓ 37	Farris	Nathan	1421		
✓ 38	Fasano	Mark	1456	Academy	
✓ 39	Fischbacher	Thomas	926		
✓ 40	Fitzgerald	Garrett	1308		
✓ 41					
✓ 42	Fletcher	Michael	1297		
✓ 43	Fox	Kristen	1130		
✓ 44	<del>Freeman</del>	<del>Charles</del>	<del>725</del>		
✓ 45	Freeman	Helen Penny	1166	IOD	
✓ 46	Gilbert	Adam	1375		
✓ 47	Graham	Matthew	1180		



# May/June Prone Training 2015

	LAST NAME	FIRST NAME	NBPD ID #	INITIALS	DATE
✓ 1	Adame, Jr.	Ricardo	1383		
✓ 2					
✓ 3	Allen	Jennifer	1352		
✓ 4	Anderson	Vladimir	1114		
✓ 5	Arnold	Spencer	1008		
✓ 6	Bennett	Robert	1396	RB	7-1-15
✓ 7	Beswick	Charles	117		
✓ 8	Beverly	William	1034		
✓ 9	Biagi	Matthew	1453		
✓ 10	Birch	Dennis	911		
✓ 11	Bixler	David	1060		
✓ 12	Blakely	Jason	1302		
✓ 13	Bratiloveanu	Andrei	1394		
✓ 14	Brouwer	Jeffrey	1199		
✓ 15	Burdette	William	1023		
✓ 16	Burns	Christopher	1244		
✓ 17	Bush	Todd	1079		
✓ 18	Cammack	Kyle	1232		
✓ 19	Card	Randall	1016		
✓ 20	Carpentieri	Peter	1373		
✓ 21	Cartwright	Joseph	1228		
✓ 22	Clemente	Gary	1296	6-10-15	AWG
✓ 23	Comte	Joshua	1300		
✓ 24	Cooke	Travis	1440		
✓ 25	<del>Curtain</del>	<del>Jonathan</del>	<del>1448</del>	<del>CONF</del>	
✓ 26	Cuthbert	George	676		
✓ 27	Darling	David	1200		
✓ 28	DeJulio	Joseph	1340		
✓ 29	DeLaTorre	Antonio	1327		
✓ 30	Depweg	Marie	1290		
✓ 31	Depweg	William	1224		
✓ 32	Duenas	Jeremy	1434	IOD/Lt Duty	
✓ 33	Dugan	Shawn	1293	6-4-15	
✓ 34	Dutton	Jeremy	1364		
✓ 35	Eischen	Kent	862		
✓ 36	Faludi	Gerald	916		
✓ 37	Farris	Nathan	1421		
✓ 38	Fasano	Mark	1456		
✓ 39	Fischbacher	Thomas	926	7-1-15	
✓ 40	Fitzgerald	Garrett	1308		
✓ 41					
✓ 42	Fletcher	Michael	1297		
✓ 43	Fox	Kristen	1130		
✓ 44	<del>Freeman</del>	<del>Charles</del>	<del>725</del>		
✓ 45	Freeman	Helen Penny	1166	IOD	
✓ 46	Gilbert	Adam	1375		
✓ 47	Graham	Matthew	1180		



# July/August Low Light Trng 2015

	LAST NAME	FIRST NAME	NBPD ID #	INITIALS	DATE
✓ 1	Adame, Jr.	Ricardo	1383		
✓ 2	Abrahamyan	Gary	1471	Academy	
✓ 3	Allen	Jennifer	1352		
✓ 4	Anderson	Vladimir	1114		
✓ 5	Arnold	Spencer	1008	VAC	
✓ 6	Bennett	Robert	1396		
✓ 7	Beswick	Charles	117		
✓ 8	Beverly	William	1034	VAC	
✓ 9	Biagi	Matthew	1453		
✓ 10	Birch	Dennis	911		
✓ 11	Bixler	David	1060	IOD	
✓ 12	Blakely	Jason	1302	VAC	
✓ 13	Bratiloveanu	Andrei	1394		
✓ 14	Brouwer	Jeffrey	1199		
✓ 15	Burdette	William	1023		
✓ 16	Burns	Christopher	1244		
✓ 17	Bush	Todd	1079		
✓ 18	Cammack	Kyle	1232		
✓ 19	Card	Randall	1016		
✓ 20	Carpentieri	Peter	1373		
✓ 21	Cartwright	Joseph	1228	JD	8-25-15
✓ 22	Clemente	Gary	1296		
✓ 23	Comte	Joshua	1300		
✓ 24	Cooke	Travis	1440		
✓ 25	Carter	Cynthia	1468	AUG	8-5-15
✓ 26	Cuthbert	George	676		
✓ 27	Darling	David	1200		
✓ 28	DeJulio	Joseph	1340		
✓ 29	DeLaTorre	Antonio	1327	VAC	
✓ 30	Depweg	Marie	1290		
✓ 31	Depweg	William	1224		
✓ 32	Duenas	Jeremy	1434	IOD/Lt Duty	
✓ 33	Dugan	Shawn	1293	AUG	8-5-15
✓ 34	Dutton	Jeremy	1364		
✓ 35	Eischen	Kent	862		
✓ 36	Faludi	Gerald	916		
✓ 37	Farris	Nathan	1421		
✓ 38	Fasano	Mark	1456		
✓ 39	Fischbacher	Thomas	926		
✓ 40	Fitzgerald	Garrett	1308		
✓ 41					
✓ 42	Fletcher	Michael	1297		
✓ 43	Fox	Kristen	1130		
✓ 44	<del>Freeman</del>	<del>Charles</del>	<del>725</del>		
✓ 45	Freeman	Helen Penny	1166	IOD	
✓ 46	Gilbert	Adam	1375		
✓ 47	Graham	Matthew	1180		



# Sept/Oct Slow Fire Trng

2015

	LAST NAME	FIRST NAME	NBPD ID #	INITIALS	DATE
✓ 1	Adame, Jr.	Ricardo	1383		
✓ 2	Abrahamyan	Gary	1471	Academy	
✓ 3	Allen	Jennifer	1352		
✓ 4	Anderson	Vladimir	1114		
✓ 5	Arnold	Spencer	1008		
✓ 6	Bennett	Robert	1396		
✓ 7	Beswick	Charles	117		
✓ 8	Beverly	William	1034	AWG	10-15-15
✓ 9	Biagi	Matthew	1453		
✓ 10	Birch	Dennis	911		
✓ 11	Bixler	David	1060		
✓ 12	Blakely	Jason	1302		
✓ 13	Bratiloveanu	Andrei	1394		
✓ 14	Brouwer	Jeffrey	1199	IOD	
✓ 15	Burdette	William	1023		
✓ 16	Burns	Christopher	1244		
✓ 17	Bush	Todd	1079		
✓ 18	Cammack	Kyle	1232		
✓ 19	Card	Randall	1016		
✓ 20	Carpentieri	Peter	1373		
✓ 21	Cartwright	Joseph	1228		
✓ 22	Clemente	Gary	1296	AWG	10-15-15
✓ 23	Comte	Joshua	1300		
✓ 24	Cooke	Travis	1440		
✓ 25	Carter	Cynthia	1468		
✓ 26	Cuthbert	George	676		
✓ 27	Darling	David	1200		
✓ 28	DeJulio	Joseph	1340		
✓ 29	DeLaTorre	Antonio	1327	AWG	10-23-15
✓ 30	Depweg	Marie	1290		
✓ 31	Depweg	William	1224		
✓ 32	Duenas	Jeremy	1434	IOD/Lt Duty	
✓ 33	Dugan	Shawn	1293		
✓ 34	Dutton	Jeremy	1364	SD	10/27
✓ 35	Eischen	Kent	862		
✓ 36	Faludi	Gerald	916		
✓ 37	Farris	Nathan	1421		
✓ 38	Fasano	Mark	1456		
✓ 39	Fischbacher	Thomas	926		
✓ 40	Fitzgerald	Garrett	1308		
✓ 41					
✓ 42	Fletcher	Michael	1297		
✓ 43	Fox	Kristen	1130		
✓ 44					
✓ 45	Freeman	Helen	1166	IOD	
✓ 46	Gilbert	Adam	1375		
✓ 47	Graham	Graham	1180		

CARTER CYNTHIA

1468



# Nov/Dec Steel Challenge 2015

	LAST NAME	FIRST NAME	NBPD ID #	INITIALS	DATE
✓	1	Adame, Jr.	Ricardo	1383	
✓	2	Abrahamyan	Gary	1471	Academy
✓	3	Allen	Jennifer	1352	
✓	4	Anderson	Vladimir	1114	
✓	5	Arnold	Spencer	1008	
✓	6	Bennett	Robert	1396	
✓	7	Beswick	Charles	117	
✓	8	Beverly	William	1034	
✓	9	Biagi	Matthew	1453	AR
✓	10	Birch	Dennis	911	
✓	11	Bixler	David	1060	
✓	12	Blakely	Jason	1302	AR
✓	13	Bratiloveanu	Andrei	1394	
✓	14	Brouwer	Jeffrey	1199	IOD
✓	15	Burdette	William	1023	
✓	16	Burns	Christopher	1244	
✓	17	Bush	Todd	1079	
✓	18	Cammack	Kyle	1232	
✓	19	Card	Randall	1016	
✓	20	Carpentieri	Peter	1373	FAMILY L.O.A.
✓	21	Cartwright	Joseph	1228	FAMILY L.O.A.
✓	22	Clemente	Gary	1296	
✓	23	Comte	Joshua	1300	
✓	24	Cooke	Travis	1440	AR
✓	25	Carter	Cynthia	1468	
✓	26	Cuthbert	George	676	
✓	27	Darling	David	1200	
✓	28	DeJulio	Joseph	1340	
✓	29	DeLaTorre	Antonio	1327	
✓	30	Depweg	Marie	1290	
✓	31	Depweg	William	1224	
✓	32	Duenas	Jeremy	1434	IOD/Lt Duty
✓	33	Dugan	Shawn	1293	
✓	34	Dutton	Jeremy	1364	AR
✓	35	Eischen	Kent	862	
✓	36	Faludi	Gerald	916	
✓	37	Farris	Nathan	1421	
✓	38	Fasano	Mark	1456	
✓	39	Fischbacher	Thomas	926	FBI FRN
✓	40	Fitzgerald	Garrett	1308	
✓	41	Esswein	Sean	1470	
✓	42	Fletcher	Michael	1297	
✓	43	Fox	Kristen	1130	LT. DUTY
✓	44				
✓	45	Freeman	Helen	1166	IOD
✓	46	Gilbert	Adam	1375	AR
✓	47	Graham	Graham	1180	



# 2016 AR-15 Training

JAN / FEB

	LAST NAME	FIRST NAME	NBPD ID #	INITIALS	DATE
✓ 1	Adame, Jr.	Ricardo	1383		
✓ 2	Abrahamyan	Gary	1471		
✓ 3	Allen	Jennifer	1352		
✓ 4	Anderson	Vladimir	1114		
✓ 5	Arnold	Spencer	1008		
✓ 6	Bennett	Robert	1396	LT. DUTY	
✓ 7	Beswick	Charles	117		
✓ 8	Beverly	William	1034		
✓ 9	Biagi	Matthew	1453		
✓ 10	Birch	Dennis	911		
✓ 11	Bixler	David	1060		
✓ 12	Blakely	Jason	1302		
✓ 13	Bratiloveanu	Andrei	1394		
✓ 14	Brouwer	Jeffrey	1199	IOD	
✓ 15	Burdette	William	1023		
✓ 16	Burns	Christopher	1244		
✓ 17	Bush	Todd	1079		
✓ 18	Cammack	Kyle	1232		
✓ 19	Card	Randall	1016		
✓ 20	Carpentieri	Peter	1373		
✓ 21	Cartwright	Joseph	1228		
✓ 22	Clemente	Gary	1296		
✓ 23	Comte	Joshua	1300		
✓ 24	Cooke	Travis	1440		
✓ 25	Carter	Cynthia	1468		
✓ 26	Cuthbert	George	676		
✓ 27	Darling	David	1200		
✓ 28	DeJulio	Joseph	1340		
✓ 29	DeLaTorre	Antonio	1327		
✓ 30	Depweg	Marie	1290		
✓ 31	Depweg	William	1224		
✓ 32	Duenas	Jeremy	1434		
✓ 33	Dugan	Shawn	1293		
✓ 34	Dutton	Jeremy	1364		
✓ 35	Eischen	Kent	862		
✓ 36	Faludi	Gerald	916	LT. DUTY	
✓ 37	Farris	Nathan	1421		
✓ 38	Fasano	Mark	1456		
✓ 39	Fischbacher	Thomas	926		
✓ 40	Fitzgerald	Garrett	1308		
✓ 41	Esswein	Sean	1470		
✓ 42	Fletcher	Michael	1297		
✓ 43	Fox	Kristen	1130	LT. DUTY	
44					
✓ 45	Freeman	Helen	1166	IOD	
✓ 46	Gilbert	Adam	1375		
✓ 47	Graham	Graham	1180		



# 2016 Move/Shoot Training

MAR/APRIL

	LAST NAME	FIRST NAME	NBPD ID #	INITIALS	DATE
✓ 1	Adame, Jr.	Ricardo	1383		
✓ 2	Abrahamyan	Gary	1471		
✓ 3	Allen	Jennifer	1352		
✓ 4	Anderson	Vladimir	1114		
✓ 5	Arnold	Spencer	1008		
✓ 6	Bennett	Robert	1396		
✓ 7	Beswick	Charles	117		
✓ 8	Beverly	William	1034		
✓ 9	Biagi	Matthew	1453		
✓ 10	Birch	Dennis	911		
✓ 11	Bixler	David	1060		
✓ 12	Blakely	Jason	1302		
✓ 13	Bratiloveanu	Andrei	1394		
✓ 14	Brouwer	Jeffrey	1199	IOD	
✓ 15	Burdette	William	1023		
✓ 16	Burns	Christopher	1244		
✓ 17	Bush	Todd	1079		
✓ 18	Cammack	Kyle	1232		
✓ 19	Card	Randall	1016		
✓ 20	Carpentieri	Peter	1373		
✓ 21	Cartwright	Joseph	1228		
✓ 22	Clemente	Gary	1296		
✓ 23	Comte	Joshua	1300		
✓ 24	Cooke	Travis	1440		
✓ 25	Carter	Cynthia	1468		
✓ 26	Cuthbert	George	676	IOD	
✓ 27	Darling	David	1200	IOD	
✓ 28	DeJulio	Joseph	1340		
✓ 29	DeLaTorre	Antonio	1327		
✓ 30	Depweg	Marie	1290		
✓ 31	Depweg	William	1224		
✓ 32	Duenas	Jeremy	1434		
✓ 33	Dugan	Shawn	1293		
✓ 34	Dutton	Jeremy	1364		
✓ 35	Eischen	Kent	862		
✓ 36	Faludi	Gerald	916	LT DUTY	
✓ 37	Farris	Nathan	1421		
✓ 38	Fasano	Mark	1456	LT DUTY	
✓ 39	Fischbacher	Thomas	926		
✓ 40	Fitzgerald	Garrett	1308		
✓ 41	Esswein	Sean	1470		
✓ 42	Fletcher	Michael	1297		
✓ 43	Fox	Kristen	1130	LT DUTY	
✓ 44					
✓ 45	Freeman	Helen	1166	IOD	
✓ 46	Gilbert	Adam	1375		
✓ 47	Graham	Graham	1180		



# 2016 Low Light Training

MAY/JUNE

	LAST NAME	FIRST NAME	NBPD ID #	INITIALS	DATE
✓ 1	Adame, Jr.	Ricardo	1383		
✓ 2	Abrahamyan	Gary	1471		
✓ 3	Allen	Jennifer	1352		
✓ 4	Anderson	Vladimir	1114		
✓ 5	Arnold	Spencer	1008		
✓ 6	Bennett	Robert	1396		
✓ 7	Beswick	Charles	117		
✓ 8	Beverly	William	1034		
✓ 9	Biagi	Matthew	1453		
✓ 10	Birch	Dennis	911		
✓ 11	Bixler	David	1060		
✓ 12	Blakely	Jason	1302		
✓ 13	Bratiloveanu	Andrei	1394		
✓ 14	Brouwer	Jeffrey	1199	IOD	
✓ 15	Burdette	William	1023		
✓ 16	Burns	Christopher	1244		
✓ 17	Bush	Todd	1079		
✓ 18	Cammack	Kyle	1232		
✓ 19	Card	Randall	1016		
✓ 20	Carpentieri	Peter	1373		
✓ 21	Cartwright	Joseph	1228		
✓ 22	Clemente	Gary	1296		
✓ 23	Comte	Joshua	1300		
✓ 24	Cooke	Travis	1440		
✓ 25	Carter	Cynthia	1468		
✓ 26	Cuthbert	George	676		
✓ 27	Darling	David	1200	IOD	
✓ 28	DeJulio	Joseph	1340		
✓ 29	DeLaTorre	Antonio	1327		
✓ 30	Depweg	Marie	1290		
✓ 31	Depweg	William	1224		
✓ 32	Duenas	Jeremy	1434		
✓ 33	Dugan	Shawn	1293		
✓ 34	Dutton	Jeremy	1364		
✓ 35	Eischen	Kent	862		
✓ 36	Faludi	Gerald	916		
✓ 37	Farris	Nathan	1421		SWAT
✓ 38	Fasano	Mark	1456		
✓ 39	Fischbacher	Thomas	926		
✓ 40	Fitzgerald	Garrett	1308		
✓ 41	Esswein	Sean	1470		
✓ 42	Fletcher	Michael	1297		
✓ 43	Fox	Kristen	1130	IOD	
✓ 44					
✓ 45	Freeman	Helen	1166	IOD	
✓ 46	Gilbert	Adam	1375		
✓ 47	Graham	Graham	1180		



# 2016 Basic Shooting Skills *July/Aug*

	LAST NAME	FIRST NAME	NBPD ID #	INITIALS	DATE
✓ 1	Adame, Jr.	Ricardo	1383		
✓ 2	Abrahamyan	Gary	1471		
✓ 3	Allen	Jennifer	1352		
✓ 4	Anderson	Vladimir	1114		
✓ 5	Arnold	Spencer	1008		
✓ 6	Bennett	Robert	1396		
✓ 7	Beswick	Charles	117		
✓ 8	Beverly	William	1034		
✓ 9	Biagi	Matthew	1453		
✓ 10	Birch	Dennis	911		
✓ 11	Bixler	David	1060		<i>LT. DUTY</i>
✓ 12	Blakely	Jason	1302		
✓ 13	Bratiloveanu	Andrei	1394		
✓ 14	Brouwer	Jeffrey	1199	IOD	
✓ 15	Burdette	William	1023		
✓ 16	Burns	Christopher	1244		
✓ 17	Bush	Todd	1079		
✓ 18	Cammack	Kyle	1232		
✓ 19	Card	Randall	1016		
✓ 20	Carpentieri	Peter	1373		
✓ 21	Cartwright	Joseph	1228		
✓ 22	Clemente	Gary	1296		
✓ 23	Comte	Joshua	1300		
✓ 24	Cooke	Travis	1440		
✓ 25	Carter	Cynthia	1468		
✓ 26	Cuthbert	George	676		
✓ 27	Darling	David	1200	IOD	
✓ 28	DeJulio	Joseph	1340		
✓ 29	DeLaTorre	Antonio	1327		
✓ 30	Depweg	Marie	1290	LT DUTY	
✓ 31	Depweg	William	1224		
✓ 32	Duenas	Jeremy	1434		
✓ 33	Dugan	Shawn	1293		
✓ 34	Dutton	Jeremy	1364		
✓ 35	Eischen	Kent	862		
✓ 36	Faludi	Gerald	916		
✓ 37	Farris	Nathan	1421		
✓ 38	Fasano	Mark	1456		
✓ 39	Fischbacher	Thomas	926		
✓ 40	Fitzgerald	Garrett	1308		
✓ 41	Esswein	Sean	1470		
✓ 42	Fletcher	Michael	1297		
✓ 43	Fox	Kristen	1130	IOD	
✓ 44	Fabbri	Sabrina	1488		
✓ 45					
✓ 46	Gilbert	Adam	1375		
✓ 47	Graham	Graham	1180		



# 2016 Shotgun and 40mm

SEP/OCT

	LAST NAME	FIRST NAME	NBPD ID #	INITIALS	DATE
✓ 1	Adame, Jr.	Ricardo	1383		
✓ 2	Abrahamyan	Gary	1471		
✓ 3	Allen	Jennifer	1352		
✓ 4	Anderson	Vladimir	1114		
✓ 5	Arnold	Spencer	1008		
✓ 6	Bennett	Robert	1396		
✓ 7	Beswick	Charles	117		
✓ 8	Beverly	William	1034		
✓ 9	Biagi	Matthew	1453		
✓ 10	Birch	Dennis	911		
✓ 11	Bixler	David	1060		
✓ 12	Blakely	Jason	1302		
✓ 13	Bratiloveanu	Andrei	1394		
✓ 14	Brouwer	Jeffrey	1199	IOD	
✓ 15	Burdette	William	1023		
✓ 16	Burns	Christopher	1244		
✓ 17	Bush	Todd	1079		
✓ 18	Cammack	Kyle	1232		
✓ 19	Card	Randall	1016		
✓ 20	Carpentieri	Peter	1373		
✓ 21	Cartwright	Joseph	1228		
✓ 22	Clemente	Gary	1296		
✓ 23	Comte	Joshua	1300		
✓ 24	Cooke	Travis	1440		
✓ 25	Carter	Cynthia	1468		
✓ 26	Cuthbert	George	676		
✓ 27	Darling	David	1200	Lt Duty	
✓ 28	DeJulio	Joseph	1340		
✓ 29	DeLaTorre	Antonio	1327		
✓ 30	Depweg	Marie	1290	LT DUTY	
✓ 31	Depweg	William	1224		
✓ 32	Duenas	Jeremy	1434		
✓ 33	Dugan	Shawn	1293		
✓ 34	Dutton	Jeremy	1364		
✓ 35	Eischen	Kent	862	RET	
✓ 36	Faludi	Gerald	916		
✓ 37	Farris	Nathan	1421		
✓ 38	Fasano	Mark	1456		
✓ 39	Fischbacher	Thomas	926		
✓ 40	Fitzgerald	Garrett	1308		
✓ 41	Esswein	Sean	1470		
✓ 42	Fletcher	Michael	1297		
✓ 43	Fox	Kristen	1130	IOD	
✓ 44	Fabbri	Sabrina	1488		
✓ 45					
✓ 46	Gilbert	Adam	1375		
✓ 47	Graham	Graham	1180		



# 2016 Steel Challenge

Nov/Dec

	LAST NAME	FIRST NAME	NBPD ID #	INITIALS	DATE
✓ 1	Adame, Jr.	Ricardo	1383		
✓ 2	Abrahamyan	Gary	1471		
✓ 3	Allen	Jennifer	1352		
✓ 4	Anderson	Vladimir	1114		
✓ 5	Arnold	Spencer	1008		
✓ 6	Bennett	Robert	1396		
✓ 7	Beswick	Charles	117		
✓ 8	Beverly	William	1034		
✓ 9	Biagi	Matthew	1453		
✓ 10	Birch	Dennis	911		
✓ 11	Bixler	David	1060	IOD	
✓ 12	Blakely	Jason	1302		
✓ 13	Bratiloveanu	Andrei	1394	IOD	
✓ 14	Brouwer	Jeffrey	1199	Lt Duty	
✓ 15	Burdette	William	1023		
✓ 16	Burns	Christopher	1244		
✓ 17	Bush	Todd	1079		
✓ 18	Cammack	Kyle	1232	IOD	
✓ 19	Card	Randall	1016		
✓ 20	Carpentieri	Peter	1373		
✓ 21	Cartwright	Joseph	1228		
✓ 22	Clemente	Gary	1296		
✓ 23	Comte	Joshua	1300		
✓ 24	Cooke	Travis	1440		
✓ 25	Carter	Cynthia	1468		
✓ 26	Cuthbert	George	676		
✓ 27	Darling	David	1200	Lt Duty	
✓ 28	DeJulio	Joseph	1340		
✓ 29	DeLaTorre	Antonio	1327		
✓ 30	Depweg	Marie	1290	LT DUTY	
✓ 31	Depweg	William	1224		
✓ 32	Duenas	Jeremy	1434		
✓ 33	Dugan	Shawn	1293		
✓ 34	Dutton	Jeremy	1364		
✓ 35	Eischen	Kent	862		
✓ 36	Faludi	Gerald	916	IOD	
✓ 37	Farris	Nathan	1421		
✓ 38	Fasano	Mark	1456		
✓ 39	Fischbacher	Thomas	926		
✓ 40	Fitzgerald	Garrett	1308		
✓ 41	Esswein	Sean	1470		
✓ 42	Fletcher	Michael	1297	LT Duty	
✓ 43	Fox	Kristen	1130	Lt Duty	
✓ 44	Fabbri	Sabrina	1488		
✓ 45					
✓ 46	Gilbert	Adam	1375		
✓ 47	Graham	Graham	1180		



# 2017 Jan/Feb AR-15 Training

	LAST NAME	FIRST NAME	NBPD ID #	INITIALS	DATE
✓ 1	Adame, Jr.	Ricardo	1383		
✓ 2	Abrahamyan	Gary	1471		
✓ 3	Allen	Jennifer	1352		
✓ 4	Anderson	Vladimir	1114		
✓ 5	Arnold	Spencer	1008		
✓ 6	Bennett	Robert	1396	SWAT	
✓ 7	Beswick	Charles	117		
✓ 8	Beverly	William	1034		
✓ 9	Biagi	Matthew	1453		
✓ 10	Birch	Dennis	911		
✓ 11	Bixler	David	1060	LT DUTY	
✓ 12	Blakely	Jason	1302		
✓ 13	Bratiloveanu	Andrei	1394	IOD	
✓ 14	Brouwer	Jeffrey	1199	Lt Duty	
✓ 15	Burdette	William	1023		
✓ 16	Burns	Christopher	1244		
✓ 17	Bush	Todd	1079		
✓ 18	Cammack	Kyle	1232	IOD	
✓ 19	Card	Randall	1016	OUT OF STATE / LT. DUTY	
✓ 20	Carpentieri	Peter	1373		
✓ 21	Cartwright	Joseph	1228		
✓ 22	Clemente	Gary	1296		
✓ 23	Comte	Joshua	1300		
✓ 24	Cooke	Travis	1440		
✓ 25	Carter	Cynthia	1468		
✓ 26	Cuthbert	George	676		
✓ 27	Darling	David	1200	<del>LT DUTY</del>	
✓ 28	DeJulio	Joseph	1340		
✓ 29	DeLaTorre	Antonio	1327		
✓ 30	Depweg	Marie	1290	LT DUTY ✓	
✓ 31	Depweg	William	1224		
✓ 32	Duenas	Jeremy	1434		
✓ 33	Dugan	Shawn	1293		
✓ 34	Dutton	Jeremy	1364		
✓ 35	<del>Eischen</del>	<del>Kent</del>	<del>862</del>		
✓ 36	Faludi	Gerald	916	IOD	
✓ 37	Farris	Nathan	1421	SWAT	
✓ 38	Fasano	Mark	1456		
✓ 39	Fischbacher	Thomas	926		
✓ 40	Fitzgerald	Garrett	1308		
✓ 41	Esswein	Sean	1470		
✓ 42	Fletcher	Michael	1297	LT Duty	
✓ 43	Fox	Kristen	1130	Lt Duty	
✓ 44	Fabbri	Sabrina	1488		
✓ 45					
✓ 46	Gilbert	Adam	1375		
✓ 47	Graham	Graham	1180		



# 2017 March/April Dueling Tree Trng

	LAST NAME	FIRST NAME	NBPD ID #	INITIALS	DATE
✓ 1	Adame, Jr.	Ricardo	1383		
✓ 2	Abrahamyan	Gary	1471		
✓ 3	Allen	Jennifer	1352		
✓ 4	Anderson	Vladimir	1114		
✓ 5	Arnold	Spencer	1008		
✓ 6	Bennett	Robert	1396	SWAT	
✓ 7	Beswick	Charles	117		
✓ 8	Beverly	William	1034		
✓ 9	Biagi	Matthew	1453		
✓ 10	Birch	Dennis	911		
✓ 11	Bixler	David	1060		
✓ 12	Blakely	Jason	1302		
✓ 13	Bratiloveanu	Andrei	1394	<del>IOD</del>	
✓ 14	Brouwer	Jeffrey	1199	Lt Duty	
✓ 15	Burdette	William	1023		
✓ 16	Burns	Christopher	1244		
✓ 17	Bush	Todd	1079		
✓ 18	Cammack	Kyle	1232	IOD	
✓ 19	Card	Randall	1016	OUT OF STATE	
✓ 20	Carpentieri	Peter	1373		
✓ 21	Cartwright	Joseph	1228		
✓ 22	Clemente	Gary	1296		
✓ 23	Comte	Joshua	1300		
✓ 24	Cooke	Travis	1440		
✓ 25	Carter	Cynthia	1468		
✓ 26	Cuthbert	George	676	ATC	
✓ 27	Darling	David	1200		
✓ 28	DeJulio	Joseph	1340		
✓ 29	DeLaTorre	Antonio	1327		
✓ 30	Depweg	Marie	1290		
✓ 31	Depweg	William	1224		
✓ 32	Duenas	Jeremy	1434		
✓ 33	Dugan	Shawn	1293		
✓ 34	Dutton	Jeremy	1364		
35					
✓ 36	Faludi	Gerald	916	IOD	
✓ 37	Farris	Nathan	1421		
✓ 38	Fasano	Mark	1456		
✓ 39	Fischbacher	Thomas	926		
✓ 40	Fitzgerald	Garrett	1308	IOD	
✓ 41	Esswein	Sean	1470		
✓ 42	Fletcher	Michael	1297	IOD	
✓ 43	Fox	Kristen	1130	Lt Duty	
✓ 44	Fabbri	Sabrina	1488		
45					
✓ 46	Gilbert	Adam	1375		
✓ 47	Graham	Graham	1180		



# **ATTACHMENT #6**